



Barrowden & Wakerley Neighbourhood Development Plan

Decision Statement: July 2019

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

1. Introduction

- 1.1 Under the Town and Country Planning Act 1990 (as amended), Rutland County Council (RCC) has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.
- 1.2 This statement confirms that the modifications proposed by the examiner's report have been accepted, the draft Barrowden & Wakerley Neighbourhood Development Plan has been altered as a result of it; and that this plan may now proceed to referendum.

2. Background

- 2.1 The Barrowden & Wakerley Neighbourhood Development Plan relates to the area that was designated by Rutland County Council and East Northamptonshire Council as a neighbourhood area on 27 April 2015. The plan area designated covers the whole of Barrowden Parish in Rutland and Wakerley Parish in East Northamptonshire as well as the surrounding area.
- 2.2 Following the submission of the Barrowden & Wakerley Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 26 May 2018.
- 2.3 Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI was appointed by Rutland County Council with the consent of Barrowden Parish Council, to undertake the examination of the Barrowden & Wakerley Neighbourhood Development Plan and to prepare a report of the independent examination.
- 2.4 The examiner's report concludes that subject to making the modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

3. Decision

- 3.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations of an examiner

made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.

- 3.2 Having considered each of the recommendations made by the examiner's report, and the reasons for them, Rutland County Council in consultation with Barrowden Parish Council has decided to accept the modifications to the draft plan. Table 1 below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations. The reasons set out have in some cases been paraphrased from the Examiners report for conciseness. This statement should be read alongside the Examiner's Report.
- 3.3 If the Authority is satisfied that, subject to the modifications being made, the Neighbourhood Plan meets the legal requirements and basic conditions then it can proceed to referendum.

Table 1:

Policy or Section of NDP	Recommendation Modification	Justification	Decision
Policy BW1: Landscape Character and important views	<p>In the first part of the policy:</p> <ul style="list-style-type: none"> • insert 'where practicable' before 'enhance' • insert 'unacceptable' before 'adverse' <p>In the second part of the policy:</p> <ul style="list-style-type: none"> • replace 'shall' with 'should' • replace 'and should' with 'and incorporate' 	For clarity.	Accept modification
Policy BW2: Development within Wakerley	It meets the basic conditions.		
Policy BW3: Local Green Space in Barrowden Village	<p>Replace the second sentence of the policy with:</p> <p>'Development will only be supported within the designated Local Green Space in very special circumstances'</p> <p>At the end of paragraph 5.15 add:</p> <p><i>'Policy BW3 applies the national approach towards the protection of identified local green spaces. The County Council will be able to determine if very special circumstances apply to any development proposals which may come forward in the Plan period. However, they are likely only to consist of proposals which are designed to enhance the special character of the designated space and which would not have an unacceptable adverse impact on the view into the countryside from Mill Lane'</i></p>	<p>The policy itself helpfully sets out the limited circumstances where development may be supported within the designated LGS.</p> <p>However, in doing so it goes well beyond the matter of fact approach set out on paragraphs 76 and 78 of the NPPF. The recommended modification addresses this matter.</p>	Accept modification

<p>Policy BW4: Sensitive areas important to Wakerley</p>	<p>In the opening part of the policy insert 'unacceptable' between 'an' and 'adverse'</p>	<p>A technical modification to the policy to qualify the scale and significance of the adverse harm.</p>	<p>Accept modification</p>
<p>Policy BW5: Local Green Infrastructure Corridor</p>	<p>In the first part of the policy:</p> <ul style="list-style-type: none"> • replace 'shall' with 'should' • replace 'and' at the end of i. with 'and/or' <p>In the second part of the policy replace 'these' with 'they'</p> <p><i>At the end of paragraph 5.19 add:</i></p> <p><i>'The identified Corridor sits within both the neighbourhood area and its wider context including that of the River Welland. Plainly a neighbourhood plan can only apply policies within the designated area. For the purposes of this neighbourhood plan Policy BW5 only applies to that part of the green corridor within the neighbourhood area.'</i></p>	<p>For clarity.</p>	<p>Accept modification</p>
<p>Policy BW6: Design Principles</p>	<p>In the first part of the policy</p> <ul style="list-style-type: none"> • replace 'will be expected to' with 'should' • replace 'preserve and enhance' with 'conserve or enhance' <p>In the second part of the policy add 'as appropriate to the development concerned' after 'of materials'</p> <p>In the fourth part of the policy:</p>	<p>A series of recommended modifications to ensure that the policy uses correct and appropriate language. Some of the wording uses such as 'will be expected' will be challenging to apply consistently through the development management process throughout the Plan period.</p>	<p>Accept modification</p>

	<ul style="list-style-type: none"> • inset at the beginning: 'Development proposals should retain' • replace 'Conservation Area' with 'conservation areas' • delete 'shall be retained'. 		
Policy BW7: The local impact of construction	Delete the policy	This policy addresses the local impact of construction. However neither of the two elements are land use policies.	Accept modification
Policy BW8: Surface Water Flooding	The policy meets the basic conditions.		
Policy BW9: Infill and backland development within Barrowden	<p>Replace the opening part of the policy with:</p> <p>'Development proposals for the development of housing on small sites within the Planned Limits of Development for Barrowden will be supported where:'</p> <p>In the second criterion add 'or other' between 'garden' and 'land'</p>	For clarity and the modifications will also assist RCC with the delivery of its development management function.	Accept modification
Policy BW10: Dwelling Type and Size	<p>In the first part of the policy replace 'Proposals for...shall' with: Development proposals for new residential development will be supported where they'</p> <p>Delete the second part of the policy</p>	<p>To a certain extent the second part of the policy compounds the effects of the first part. However, it does so without any compelling clarity.</p> <p>In particular it provides no clear guidance to either RCC or the</p>	Accept modification

	<p><i>At the end of paragraph 5.42 add: 'Proposals for the development of larger dwellings (four or more bedrooms) either in their own right or where they are included as part of a wider package of houses will be considered on their merits. Developers will be expected to provide information about the way in which the larger dwellings would meet defined local need for housing in general, and any shortfall of such accommodation in particular'</i></p>	<p>wider development industry on how any shortfall for larger houses would be both assessed and then monitored/updated within the Plan period.</p>	
<p>Policy BW11: Affordable Housing</p>	<p>Replace the policy with:</p> <p>'Proposals for the development of rural exception sites for affordable housing will be supported where:</p> <ul style="list-style-type: none"> • they otherwise meet the criteria for such development in the development plan; • they produce development which meets the design principles in Policy BW6 of this Plan' <p><i>At the end of paragraph 5.47 add:</i></p> <p><i>'Policy BW11 provides a more general policy approach to this important matter.'</i></p>	<p>A preference for a particular development is not a policy.</p> <p>The second part of the policy comments that any such proposals should be supported by the Parish Council after consultation with the local community.</p> <p>In its response to my clarification note the Parish Council commented that this aspect of the policy was one where it has sought to follow the principles set out in the Central Lincolnshire Local Plan. The inspector examined neighbourhood plans that have been produced within the strategic context of that Local Plan.</p>	<p>Accept modification</p>

		<p>However, in those cases they were able to rely on a recently-adopted Local Plan produced for the relevant administrative area.</p> <p>Neither the Rutland Core Strategy nor the NNJCS include such a strategic policy. In this context it is beyond the inspectors remit to apply a development plan policy from another administrative area to the submitted neighbourhood plan.</p>	
<p>Policy BW12: Working from Home</p>	<p>In the first part of the policy replace the opening element with: ‘Insofar as planning permission is required proposals for working from home will be supported provided that:’</p> <p>Delete 11.</p> <p>In the second part of the policy:</p> <ul style="list-style-type: none"> • delete ‘valued’ in the opening component • in I replace ‘exclusion’ with ‘removal’ <p><i>In paragraph 5.50 insert ‘valued’ between ‘the’ and ‘residential’ in the third sentence.</i></p>	<p>For clarity.</p>	<p>Accept modification</p>

Policy BW13: Bed and breakfast accommodation	It meets the basic conditions.		
Policy BW14: The protection of community facilities	<p>Insert 'only' between 'will' and 'be'</p> <p>In the second criterion of the policy delete 'satisfactorily'</p>	Modifications recommended to align with relevant strategic policies on this matter (Policy CS7 of the Rutland Core Strategy and Policy 7 of the NNJCS)	Accept modification
Policy BW15: The provision of new community facilities	<p>Replace the opening section of the first part of the policy with: 'Proposals for the provision of new community facilities within the Planned Limits of Development of Barrowden will be supported where they would:'</p> <p>Replace II. in the second part of the policy with: 'It is demonstrated that there is no suitable site for community facilities within the Planned Limits of Development.'</p> <p>Replace the opening section of the second part of the policy with: 'Proposals for the provision of new community facilities outside the Planned Limits of Development of Barrowden will be supported where:'</p> <p>In III in the second part of the policy insert 'is well related to the built form of the village and' after 'The site'</p>	<p>Modifications suggested to ensure that the policy will have the clarity required by the NPPF and provide a practical guidance both to developers, community and recreational groups and RCC alike:</p> <ul style="list-style-type: none"> • clarifying in the supporting text that the starting point for any new community facility should be within the Planned Limits of Development of Barrowden unless exceptional circumstances exist; • altering the initial section of the first part of the policy so that it uses appropriate policy language; • altering the initial section of the second part of the policy so that it uses appropriate policy language; and 	Accept modification

	<p>In the second part of the policy section V replace 'with I, II and III of criterion 1 above with 'the three criteria in the first part of the policy'</p> <p><i>Insert the following as an additional sentence after the first sentence in Paragraph 5.58:</i></p> <p><i>'New community facilities should be provided within Barrowden. It is the main concentration of existing commercial and community facilities in the neighbourhood area. The development of new facilities will reinforce its sustainable location and will ensure that the new facilities are readily accessible by the whole community.'</i></p> <p><i>Insert the following as an additional sentence at the end of Paragraph 5.58:</i></p> <p><i>'Such exceptional circumstances are addressed in the second part of Policy BW15'</i></p>	<ul style="list-style-type: none"> clarifying the locational and access requirements for new facilities outside the village 	
Policy BW16: Fibre Broadband	Delete 'from an agreed location'	The deletion of 'from an agreed location' in the policy is recommended. It is unclear how this part of the policy would be applied, especially if it required the co-operation of a third party or different landowner	Accept modification
Monitoring and Review	<i>Replace the first sentence of paragraph 6.1 with:</i>	A key phase in the monitoring and review process will be when the two emerging Local Plans are	Accept modification

	<p><i>'Whilst there is no statutory requirement to monitor a made neighbourhood plans, it is good practice to ensure that any Plan is kept up to date'</i></p> <p><i>At the end of paragraph 6.1 add: 'In this context the Parish Council and the Parish Meeting will assess the need for the Plan to be reviewed either because of changes to local and/or national planning policies or within 5 years of the making of the Plan. The assessment process will begin at the point at which the first of these two circumstances arises. The adoption of the two emerging Local Plans will be an important consideration in the local planning policy scenario'.</i></p>	<p>adopted. The recommended modifications address this matter.</p>	
<p>Other Matters (General)</p>	<p><i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i></p>	<p>This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan.</p> <p>Where consequential changes to the text are required directly as a result of recommended modifications to the policy concerned, the inspector has highlighted them in his report.</p> <p>However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to</p>	<p>Accept modification</p>

		the policies. It will be appropriate for RCC/ENDC and the Parish Council/Parish Meeting to have the flexibility to make any necessary consequential changes to the general text.	
Other Matters (Specific)	<p><i>Paragraph 5.51 – replace 1.7 million with 1.8 million</i></p> <p><i>Appendix 2 3a – replace ‘Protect and enhance footpaths’ with ‘Protect and enhance public rights of way’</i></p>	To meet basic conditions.	Accept modification