

Ketton and Tinwell Neighbourhood Development Plan 2021-2041

**A report to Rutland County Council on the
Ketton and Tinwell Neighbourhood
Development Plan**

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Executive Summary

- 1 I was appointed by Rutland County Council in December 2022 to carry out the independent examination of the Ketton and Tinwell Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 20 January 2023.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It seeks to preserve its setting in the countryside. It proposes the designation of a series of Local Green Spaces.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Ketton and Tinwell Neighbourhood Development 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
24 April 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Ketton and Tinwell Neighbourhood Development Plan 2021-2041 (the 'Plan').
- 1.2 The Plan has been submitted to Rutland County Council (RCC) by Ketton Parish Council (KPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan. The Plan has been jointly prepared by KPC and Tinwell Parish Meeting.
- 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) 2012 and its updates in 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether 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. A 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. It has a clear focus on safeguarding the location of the villages within their wider settings in the countryside. It proposes the designation of a package of local green spaces.
- 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 form 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 KPC, to conduct the examination of the Plan and to prepare this report. I am independent of both RCC and KPC. 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 40 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of undertaking neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination 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 proceeds 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 Sections 7 and 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 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 I have considered the following documents during the examination:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Screening Report;
- the Evidence Document Part 1;
- the Evidence Document Part 2;
- KPC's responses to the clarification note;
- RCC's responses to the clarification note;
- the representations made to the Plan;
- 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; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 20 January 2023. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is addressed in paragraphs 5.9 to 5.14 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 was satisfied that the Plan could be examined by written representations and without the need for a public hearing.

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 KPC has prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (February to March 2022). A key success of the Statement is the way it summarises the processes undertaken in general terms with the details being captured in ten appendices.
- 4.3 The Statement sets out details of the range of consultation events that were carried out in relation to the initial stages of the Plan.
- 4.4 The Statement also provides details of the way in which KPC engaged with statutory bodies. I am satisfied that the process has been proportionate and robust.
- 4.5 Section 10 of the Statement (supported by Appendices 9 and 10) provides details on the comments received during the consultation process associated with the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version of the Plan. This process helps to describe the evolution of the Plan.
- 4.6 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I am satisfied that KPC sought to engage with residents, statutory bodies and the development industry as the Plan has been prepared.

Representations Received

- 4.8 Consultation on the submitted Plan was undertaken by RCC and ended on 23 December 2022. This exercise generated comments from the following organisations:
- Historic England
 - Sport England
 - British Pipeline Association
 - Leicester, Leicestershire, and Rutland Integrated Care Board
 - Cavendish Gospel Hall Trust
 - RCC

- Environment Agency
- Vistry Group

4.9 Representations were also received from four residents.

4.10 I have taken account of the various representations as part of the examination of the Plan. Where it is appropriate to do so, I make specific reference to the individual representations in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parishes of Ketton and Tinwell. It is located on the eastern edge of the County to the immediate west of Stamford. Both villages have developed along the A6121. Its population in 2011 was 2160 persons living in 922 houses. It was designated as a neighbourhood area on 18 October 2018.
- 5.2 The village of Ketton is the third largest settlement in Rutland. Ketton parish includes three distinct settlements – the village itself, Aldgate and Geeston. Tinwell is a smaller linear settlement in the eastern part of the neighbourhood area and to the west of the A1.
- 5.3 A large part of the south-western side of Ketton parish is dominated by Grange Top Quarry and Cement Works. It is one of the largest quarries in Europe, operated by Hanson Cement (part of the Heidelberger Cement Group). The cement production at Ketton is a nationally important supply. The remainder of the neighbourhood area is rural in its nature and character. It is principally in arable or grazing use with some pockets of woodland

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Rutland Core Strategy Development Plan Document (adopted in July 2011) and the Rutland Site Allocations and Policies Development Plan Document (DPD) (adopted in October 2014).
- 5.5 The Core Strategy DPD provides the wider context to the Plan. Policy CS2 provides a spatial strategy for the county. 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 Ketton as one of a series of Local Service Centres which are seven of the largest villages with a range of facilities and access to public transport. Policy CS4 comments generally about the location of development. Insofar as the policy affects the neighbourhood area it comments that:

‘The Local Service Centres can accommodate a level of growth mainly through small scale allocated sites, affordable housing sites, infill developments and conversion or reuse of redundant suitable rural buildings, approximately 24 dwellings per annum in this settlement category up to 2026.’

Development in the Countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs.

New development will be prioritised in favour of the allocation and release of previously developed land within or adjoining the planned limits of development where it can

support sustainable patterns of development and provides access to services by foot, public transport and cycling.'

In this overall policy context Tinwell is identified as one of a series of Smaller Service Centres.

5.6 The Site Allocations and Policies DPD continues the approach taken in the Core Strategy. Policy SP2 allocates land for housing development in Ketton as follows:

- H5 - Land adjacent to Chater House, High Street (1.22ha providing 34 dwellings);
- H6 - Home Farm, High Street (1.2ha providing 19 dwellings);
- H7 - Land at the Crescent, Stamford Road (0.75ha providing 20 dwellings); and
- H8 - Land adjacent to Empingham Road (1.1ha providing 33 dwellings)

Ketton (26/27) and Tinwell (53) have separate Inset Maps within the document. They show the Planned Limits of Development (Policy SP5) and the conservation area boundary (Policy SP20). The following other policies have been particularly influential in the preparation of the Plan:

- Policy SP6 Housing in the Countryside
- Policy SP7 Non-residential development in the countryside
- Policy SP9 Affordable Housing
- Policy SP14 Telecommunications and High-Speed Broadband
- Policy SP15 Design and amenity
- Policy SP20 The historic environment
- Policy SP21 Important Open Spaces and frontages

5.7 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.

5.8 As the neighbourhood plan was being developed RCC was working in parallel on the preparation of an updated Local Plan. However, in September 2021 RCC resolved to withdraw the submitted Local Plan from examination. It is anticipated that the revised Local Plan will be submitted in Spring 2024 and adopted in Summer 2025.

Unaccompanied Visit

5.9 I visited the neighbourhood area on 20 January 2023. I approached the neighbourhood area from the A1 to the east. This helped me to understand the way in which the area sat in the wider landscape and connected with the strategic road network.

5.10 I looked initially at Tinwell. I saw the significance of All Saints Church in the village. I took the opportunity to look at the proposed local green space to the south of the Church. I walked down Crown Lane and saw the excellent Village Hall. I then walked down Mill Lane to the River Welland. I saw the opportunity to walk to Stamford along the Meadows Footpath.

- 5.11 I then drove to Ketton. On the way between the two villages, I saw the scale and significance of the Hanson cement works to the north of the A6121.
- 5.12 Once in the village I saw its various commercial and community facilities including the Library and the Primary School. I continued by walking down Church Road to the Railway Inn and to St Mary's Church. I then carried onto the railway signal box and along Barrowden Road. In doing so I saw the various proposed local green spaces in this part of the village.
- 5.13 I then drove along Empingham Road to look at the proposed local green spaces to the north of the village. In doing so I saw the remains of the former windmill.
- 5.14 I left the neighbourhood area and drove to the A47 at Morcott. This helped me to understand the relationship between the neighbourhood area and the communities to the south and west.

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 and informative document. It is also proportionate to the Plan itself.

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 European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

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

National Planning Policies and Guidance

6.4 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 July 2021.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are relevant to the Ketton and Tinwell Neighbourhood Plan:

- a plan led system – in this case the relationship between the neighbourhood plan and the adopted Rutland Core Strategy and the Site Allocations and Policies Plan;
- 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.

6.6 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.

- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 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 subject to the recommended modifications included in this report. It sets out a positive vision for the future of the neighbourhood area within the context of its role in the settlement hierarchy. The Basic Conditions Statement maps the Plan's policy against the appropriate sections of the NPPF.
- 6.9 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 matter 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.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. Most 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

- 6.11 There are clear overlaps between national policy and the way in which the submitted Plan contributes towards 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 policies on new economic development (Policies KT19 and 22) and new housing development (Policies KT13 and 14). In the social role, it includes a policy on housing mix (Policy KT17), policies on community facilities (Policies KT25 and 26) and a policy on allotments (Policy KT12). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It includes policies on landscape character (Policy KT2) and the designation of local green spaces (Policy KT10). KPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in the County in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the

development plan. Subject to the recommended modification in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.14 The Neighbourhood Planning (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.
- 6.15 In order to comply with this requirement RCC prepared a Screening Assessment for the Plan (July 2022). The resulting report is thorough and well-constructed. The assessment concludes that no likely significant effects will occur as a result of the Plan. The assessment finds many of the policies are in conformity with the local plan policies which have a full SA/SEA and which identified no likely significant effects will occur as a result of the implementation of policies. As such the Assessment concludes that a full SEA does not need to be undertaken for the Plan.

Habitat Regulations Assessment

- 6.16 The screening report also considered the extent to which the Plan relates to the habitats regulations. It addresses the impact of the Plan on the Rutland Water Special Protection Area (SPA/RAMSAR) which is the only international designated site within a 15km radius of the boundary of the neighbourhood area.
- 6.17 The Assessment finds that the Plan is not predicted, without mitigation, to have any likely significant effects on a European site. The assessment finds many of the policies are in conformity with the local plan policies, which have undergone a full HRA and which identified no likely significant effects would occur as a result of the implementation of policies. It also identifies that no likely in-combination significant effects will occur as a result of the implementation of the Plan. In this context the Assessment concludes that a full HRA does not need to be undertaken for the Plan.
- 6.18 The wider process provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters. It also includes the responses received from the consultation bodies. 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. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

Human Rights

- 6.19 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. In addition, 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. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 The modifications focus on the policies given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended modifications 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 neighbourhood area. The wider community and KPC 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 (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It does however include a series of non-land use Community Aspirations.
- 7.5 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 section of the Plan (Sections 1-4)

- 7.6 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional way. It makes very effective use of well-selected maps. There is a very clear distinction between the policies and the supporting text.
- 7.7 The Introduction (Section 1) addresses the background to neighbourhood planning. It comments about how the Plan has been prepared and how it will be used within the Plan period. It describes the background to the establishment of a joint neighbourhood plan steering group. This part of the Plan also includes a map of the neighbourhood area and defines the Plan period. It is a very effective introduction to a neighbourhood plan.
- 7.8 Section 2 comments about the national and local planning policy context within which the Plan has been prepared. It also explains the basic conditions and how the Plan has been prepared to meet this important statutory requirement.
- 7.9 Section 3 provides a range of information on the neighbourhood area. It does so to very good effect and provides a context to several of the policies in the Plan.
- 7.10 Section 4 sets out the vision, the key issues, and the objectives of the Plan. The vision is:

‘A friendly, attractive, and safe community where:

- *development is small-scale, in keeping with local character, and meeting the aspirations of the full spectrum of residents;*
- *housing, infrastructure, and employment opportunities are adaptable and sustainable;*
- *the local landscape and the village green spaces within it, together with their associated nature and biodiversity, are protected and enhanced, with public access improved; and*
- *we work together to safeguard all we value, both now and in the future, about our local area.'*

A key strength of the Plan is the way in which the issues and objectives provide a structure for the Plan and the resulting policies. This is very helpfully captured in the tables of pages 50 and 51. This is best practice.

7.11 The remainder of this section of the report addresses each policy in turn in the context set out in paragraph 7.5 of this report.

Policy KT1: Overall Sustainable Development and Localism Principles

7.12 This policy sets out the Plan’s approach to sustainable development and the wider principles of the localism agenda. The second part comments about KPC’s expectation that developers engage with the community before submitting planning applications.

7.13 I am satisfied that the first part of the policy meets the basic conditions. It has been carefully drafted so that it can operate in a non-prescriptive fashion.

7.14 The second part of the policy expresses the community’s wish to be involved in the early stages of the preparation of development proposals. This is commendable and in the spirit of the localism agenda. However, it describes a process rather than a land use policy. In these circumstances I recommend that it is relocated into the supporting text. Otherwise, it meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development

Delete part B of the policy

Reposition part B of the policy at the end of the Explanation.

Policy KT 2: Landscape character and important views

7.15 As the title suggests this is a wide-ranging policy. The first part comments about the need for proposals to take account of the character of the landscape. The second part relates to a series of identified views in the parish.

7.16 This evidence on views emerges from the Neighbourhood Plan Survey and other local consultation (see Consultation Statement). It is supported by evidence in the Natural England landscape profiles, the RCC Rutland landscape study, and other work in the Local Plan, as detailed in the Evidence Document.

7.17 RCC expresses a degree of concern about the number of views included in the policy and the potential impact on the local operation of the development management process.

- 7.18 I have considered the policy, the identified views and RCC’s comments very carefully. Whilst the number of identified views is greater than the number usually included in neighbourhood plans the content and detail of any plan is a matter of local discretion. Whilst the number of views will have the ability to affect a greater number of planning applications than is often the case, I am satisfied that the approach taken is proportionate to the neighbourhood area.
- 7.19 I looked at several of the views during the visit. I am satisfied that they are part of the character and appearance of the neighbourhood area.
- 7.20 I recommend detailed modifications to the policy so that they will have the clarity required by the NPPF and can be applied clearly and consistently through the development management process. I also recommend that the final components of the policy are repositioned into the supporting text given that they explain the relationship between the policies and the various maps. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development

In a) replace ‘Development shall’ with ‘Development proposals should’

In b) replace ‘if possible’ with ‘where practicable’

Delete the final element of the policy (beginning with ‘The following eight maps’)

At the end of the Preamble insert the deleted final part of the policy.

Policy KT 3: Trees, hedges, and watercourses

- 7.21 This policy comments about trees, hedges, and watercourses. It highlights and celebrates their importance in the neighbourhood area.
- 7.22 The policy has been well considered. The first part acknowledges that it will need to be applied in a proportionate way. The second part also acknowledges that circumstances may arise when trees may need to be replaced on a like-for-like basis.
- 7.23 I recommend a detailed modification to the third part of the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

In c) replace ‘where possible enhancements committed’ with ‘where practicable any necessary enhancements are included within the proposal’

Policy KT 4: Local Green Infrastructure Corridors

- 7.24 This Plan advises that this policy has been prepared help meet both national and local government targets for the restoration of biodiversity, and moreover reflect the clearly-expressed concern of residents for their local landscape and associated wildlife. It has two parts. The first comments about the relationship between development proposals and the identified Local Green Infrastructure Corridors (LGICs). The second offers support to Ketton quarry restoration plans which extend or enhance LGICs for the primary purpose of wildlife habitat and connectivity.

7.25 In the round I am satisfied that the policy takes a positive approach to this matter. In addition, I am satisfied that the green corridors have been sensitively defined. However, I recommend that the policy is recast so that it has a positive approach and sets out requirements for development proposals rather than anticipating the outcome of planning applications. I also recommend the inclusion of wording which was not included in the submitted policy in error. Otherwise, it meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development

Replace the policy with:

‘Development proposals either within or adjacent to any Local Green Infrastructure Corridor (“LGIC”) (as shown on Map A below), should:

- **respect the existing integrity of that LGIC and not cause unacceptable harm to its function or character; and**
- **include suitable measures to maintain and enhance the landscape, biodiversity, and where appropriate increase the recreational values of, and public access into, the LGIC concerned.’**

Policy KT 5: Designated Heritage Assets in and around Ketton Policy

7.26 This policy reflects the rich built heritage in the Ketton. It sets out very distinctive policy approach for the protection of designated heritage assets.

7.27 In the round I am satisfied that the policy has regard to national policy on this matter and is in general conformity with the strategic policies in the development plan. The detailed criteria in the policy are commendable distinctive to the village. Nevertheless, I recommend that the initial part of the policy is slightly recast so that it has a positive approach and sets out requirements for development proposals rather than anticipating the outcome of planning applications. I also recommend the deletion of the unnecessary reference to the Rutland Open Spaces Assessment from the fourth criterion. Otherwise, it meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

In the opening part of the policy replace ‘will only be supported where they’ with ‘should’

In the fourth part of the policy delete ‘in the 2012 RCC Important Open Space/Frontage Review,’

Policy KT 6: Designated Heritage Assets in and around Tinwell

7.28 This policy reflects the rich built heritage in the Tinwell. As with Policy KT5 sets out very distinctive policy approach for the protection of designated heritage assets.

7.29 I recommend the same package of recommended modifications to this policy as to Policy KT 5 and for the same reasons. Otherwise, it meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development

In the opening part of the policy replace ‘will only be supported where they’ with ‘should’

In the fourth part of the policy delete ‘in the 2012 RCC Important Open Space/Frontage Review,’

Policy KT 7: Protecting and enhancing archaeological sites

7.30 This policy reflects the archaeology in the neighbourhood area. In a similar fashion to Policies KT5 and KT6 it sets out a policy approach for the protection of archaeological sites.

7.31 RCC query the need for the policy and the extent to which it adds any distinctive value to national and local policies on this matter. On the balance of the evidence, I am not satisfied that the policy brings the added value needed for a neighbourhood plan policy. Whilst the policy has been carefully worded, it largely restates national and local policies. In addition, unlike Policies KT 5 and KT 6 it does not identify any specific matters against which planning applications in the neighbourhood area affecting this matter would be assessed. On this basis I recommend the deletion of both the policy and the associated Explanation.

Delete the policy

Delete the Explanation

Context to Policies KT8 to KT11

7.32 Policies KT8 to KT11 are an important part of the Plan. The supporting text helpfully sets out a context to the importance of open space in the neighbourhood area. This provides a structure for the various policies. The text comments as follows:

‘The character of the villages of Ketton and Tinwell depends not only on the buildings, but also upon the open spaces and frontages, and their relationships to the surrounding buildings and features. The particular character of a settlement may be determined largely by the arrangement of buildings around these open areas and the views they give of the surrounding countryside.

Both villages are well-provided with an open setting and green spaces, all of which contribute to the green and leafy feel to the village communities. As noted above, responses to the Survey (see Consultation Statement) indicated great appreciation for the natural features within the Plan area and the attractiveness of the villages. The vast majority of respondents were satisfied with the public open spaces in the parishes, with the largest favourable responses being for the village recreation grounds, Hall Close in Ketton and Tinwell Playing Field. Moreover, around 90% of respondents felt that the remaining green spaces surrounding the conservation area should be conserved.

The juxtaposition of green "breathing space" and the historic built environment creates the essential personality of the villages. It follows therefore that any erosion of the green areas will have a detrimental impact on the community.

Important open spaces and frontages in both Tinwell and Ketton are defined on the Rutland Local Plan Policies Map.....Government policy enables land which is demonstrably special to the local community to be designated as ‘Local Green Space’.

7.33 The resulting four policies on open space in the neighbourhood area includes a level of detail and complexity not usually seen in a neighbourhood plan. However, on the balance of the evidence I am satisfied that KPC has taken an appropriate approach to this matter. The policies are supported by evidence. In addition, the content of a neighbourhood plan and the level of detail included in its policies is a matter of local discretion. In coming to this conclusion, I have taken account of KPC’s very helpful responses to the clarification note.

7.34 With a view to attempting to keep this report as concise as possible I will not repeat this context in my assessment of the four policies against the basic conditions in the following sections of this report.

Policy KT 8: Existing open space and recreation facilities

7.35 This policy sets out to safeguard existing open spaces and recreation facilities. In most cases they are open spaces which are important to the quality of the local environment but which do not meet the exacting standards to ensure their designation as local green spaces (LGSs) (and as addressed in Policy KT 10 of this Plan).

7.36 The first part of the policy identifies the facilities. The second, third and fourth set out a policy context for their protection within the Plan period.

7.37 On the balance of the evidence, I am satisfied that there is sufficient difference between the approach taken in this policy and the approach taken in Policy KT 10 in relation to LGSs. However, in this context I recommend that the open spaces which are proposed as LGSs are removed from this policy. This acknowledges that LGS designation would have a greater impact than designation as an open space in relation to this policy. Otherwise, the Plan would not have the clarity required by the NPPF as the determine any planning application for the sites identified both as open spaces and LGSs would be affected two separate policies with different approaches.

7.38 I also recommend the deletion of the references to open spaces created within committed new housing sites. This extends to the reference to Policy KT 9 in the final part of the policy. This reflects that a plan can only designate sites for whatever purpose which exist at the time that the Plan is submitted, examined, and made. This is a matter which could be addressed in any review of a ‘made’ Plan. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development

In Ketton delete e), g) and i)

In Tinwell delete e)

In iv) delete ‘(and are consistent with the requirements of policy KT 9 below)’

Policy KT 9: Open space provision within new housing developments

7.39 This policy relates specifically to the provision of open space in new housing developments. The first part of the policy clarifies that the level of provision should be in accordance with the standards operated by Rutland County Council in the adopted Site Allocations & Policies DPD Policy SP22.

- 7.40 The Explanation advises that the purpose of this policy is to ensure that provision is made in Ketton and Tinwell when and where it will be of most benefit to local people. It is considered that given the likelihood of a number of development proposals being brought forward in the absence of a Local Plan, the provision of new open spaces and recreational facilities could be fragmented and limited to small/incidental spaces within the individual housing sites. Whilst incidental open space and landscaping should be provided as part of good design in new housing schemes, there is also a need for investment in the larger spaces/facilities which serve the whole community.
- 7.41 RCC's representation questions the value which would be added by the policy.
- 7.42 I have considered the policy and its added value beyond Policy SP22 of the Site Allocations Plan very carefully. On the balance of the evidence, I am not satisfied that the policy brings any added local value to that policy. Whilst criteria b, c and d set out the community's aspirations they are general rather than specific to the neighbourhood area. On this basis I recommend that the policy is deleted.
- 7.43 I am however satisfied that the Explanation should remain in the Plan with modifications. The modifications would take account of the absence of a specific policy in the Plan on this matter. It also draws attention to the approach set out in Policy SP22 of the Site Allocations Plan and local expectations for how resulting open space should be located and managed.

Delete the policy

Replace the Explanation with:

'Open Spaces associated with new housing development

Policy SP22 of the SAP Plan in the Local Plan addresses the issue of the provision of open space associated with new housing developments. In general terms Ketton and the surrounding area is already well-provided with facilities via the Ketton Sports and Community Centre.

However, given the likelihood of several development proposals being brought forward in the absence of a Local Plan, the provision of new open spaces and recreational facilities could be fragmented and limited to small/incidental spaces within the individual housing sites. Whilst incidental open space and landscaping should be provided as part of good design in new housing schemes, there is also a need for investment in the larger spaces/facilities which serve the whole community

In the context of the Local Plan policy the local community has two related ambitions. The first is that new open space should be made within or adjoining the development unless it has been clearly demonstrated not to be practical or viable to do so and agreement has been reached on that point between the County Council and the Parish Council and Parish Meeting. In such circumstances, land and/or a commuted sum should be made available to those authorities to enable appropriate provision to be made. The second is that the investment and type of facility at any alternative site should be proportionate and appropriate for the character of the location

It will be important for consideration of new facilities to start at source with the development proposals themselves and their design. Moreover, whilst there is already good provision of facilities within the neighbourhood area, it is insufficient merely to count on those existing facilities coping with expansion. For example, Hall Close and Ketton Sports and Community Centre are important and well-used existing facilities but there may be constraints on expansion. They should therefore not be seen automatically as 'easy options' for the location of new areas.

It is important that long-term ownership and maintenance arrangements are put in place, including initial and ongoing financial contributions related to the development. The discussions on this should involve the developer, the County Council, the Parish Council/Parish Meeting, and any interested third parties.'

Policy KT 10: Proposed Local Green Spaces

- 7.44 This policy proposes the designation of a series of LGSs.
- 7.45 The supporting text comments about the way in which the proposed LGSs meet the criteria for such designation in paragraph 102 of the NPPF. In the round, the Plan has addressed this important matter in a very thorough and robust fashion.
- 7.46 In its response to the clarification note KPC provide information on the size of the larger LGSs.
- 7.47 The range of proposed LGSs reflects the nature of the neighbourhood area and the different characteristics of Ketton and Tinwell. They range from incidental green spaces to a range of formal recreation and amenity areas. In the round, the Plan has addressed this important matter in a very thorough and robust fashion.

Proposed LGS5 (Geeston Quarry)

- 7.48 A representation was received from a relative of the owner of LGS5 (Geeston Quarry). It contends that the parcel of land does not meet the criteria for LGS designation and that it would be appropriate for development.
- 7.49 Three other comments took a different view and offered support for the designation of the parcel of land as LGS.
- 7.50 I looked at the parcel of land carefully during the visit. I saw its location on the southern of the village off Barrowden Road. On balance, I am satisfied that the proposed LGS complies with the general requirements for designation (in paragraph 101 of the NPPF) and the three specific tests (in paragraph 102 NPPF). Whilst its former uses are acknowledged by all concerned, the space provides an open context to the village and offers opportunities for wildlife.

Other LGSs

- 7.51 On the basis of all the information available to me, including my own observations, I am satisfied that the other proposed LGSs comfortably comply with the three tests in the NPPF. In several cases they are precisely the type of green space which the authors of the NPPF would have had in mind in preparing national policy. I recommend

that the geographic extent of proposed LGS6 (Ketton/Aldgate Fields) is corrected to reflect KPC’s intentions.

7.52 The Tithe Green Burial Ground is the largest proposed LGS in the neighbourhood area (14.2ha). It is at the top end of what might be reasonably regarded as being ‘local in character’ and not an extensive tract of land. However, I am satisfied that it has been properly considered. It reflects the use of the land concerned as a green burial area. In addition, I am satisfied that the site is self-contained and could not practicably be divided into individual smaller components.

All LGSs

7.53 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that the designations are consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.

7.54 The policy applies the national approach to LGSs as set out in paragraph 103 of the NPPF. For clarity I recommend that the link in the policy sits at the end of the first part of the policy rather than within the second part of the policy. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

At the end of part a) of the policy add ‘as described and mapped below’

Delete the final sentence of part b) of the policy.

Correct the geographic extent of LGS6 (Ketton/Aldgate Fields).

Policy KT 11: Other Important Open Spaces

7.55 This policy identifies other important spaces in the neighbourhood area.

7.56 The policy wording seeks to ensure that its approach is different to that taken for the proposed LGSs. It comments that development will not be supported where it would have an adverse impact on an Important Open Space or Frontage.

7.57 RCC has questioned the added value provided by the policy.

7.58 I have considered the need or otherwise for the policy. On the balance of the evidence, I am satisfied that it identifies a series of important open spaces in the countryside. Nevertheless, I recommend that the policy is modified so that it properly describes its purpose and effect.

7.59 I recommend the deletion of the second part of the policy which refers to Grange Top Quarry. Matters relating to minerals are excluded matters for neighbourhood plans. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the opening component of part a) of the policy with:

‘Development proposals will not be supported where they would have an unacceptable impact on an Important Open Space or Frontage shown on Rutland County Council Local Plan-related maps, or as shown on the Conservation Area Appraisal for Ketton, or as listed below:’

In a) delete ‘Any development proposals will be considered in relation to the criteria (a to g) set out in Policy SP21 of the Site Allocations DPD.’

Delete part b) of the policy.

Policy KT 12: Allotments

7.60 The context to this policy is that there were allotments on Pit Lane in Ketton, which were owned by a local charity. However, their use declined, and they were sold. The policy comments that KPC will support the provision of an allotment site, within or adjoining the village and with adequate parking and water supply.

7.61 In general terms I am satisfied that the approach in the policy meets the basic conditions. In reaching this conclusion I have considered RCC’s comments about the policy’s relationship with one of the community actions. It is perfectly appropriate for a neighbourhood plan to have both a land use policy and a community action on the same issue. Plainly they will have complementary roles within the wider context of the Plan.

7.62 I recommend detailed modifications to the wording used in the policy to bring the clarity required by the NPPF. They do not change the approach taken by KPC. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development

Replace the policy with: ‘Proposals for the provision of an allotment site, within or adjoining Ketton and with adequate parking and water supply will be supported where they meet the requirements of any other relevant policies of this Plan.’

Policy KT 13: Location and scale of new housing (Ketton)

7.63 In combination with Policy KT14 this policy sets out the Plan’s approach towards new housing within the Plan period.

7.64 RCC’s decision to withdraw its Local Plan from examination in 2021 Plan has created a degree of uncertainty on the delivery of new housing in the County. In these circumstances KPC has approached this matter in a positive and proactive way both generally and in the way in which it has engaged with RCC on establishing housing requirements for the neighbourhood area.

- 7.65 The policy has three related elements as follows:
- that development proposals should comply with the policies in the Core Strategy and in the Site Allocations Plan;
 - that the neighbourhood area should deliver a specified minimum number of new homes; and
 - that existing commitments should contribute to the mathematical calculations.
- 7.66 I am satisfied that this approach is appropriate and meets the basic conditions. In the event that the adopted Local Plan incorporates a higher number of new homes than currently anticipated a made neighbourhood plan would be able to address the matter by way of a full or partial review.
- 7.67 I recommend two modifications to the policy to take account of RCC’s very helpful representations. The first refines the approach taken in the first part of the policy and provides a direct policy reference to the minimum number of dwellings to be delivered in Ketton. The second recommends the deletion of the unnecessary second part of the policy (which largely restates the policy approach already included in the adopted Core Strategy). Otherwise, it meets the basic conditions. It will contribute to the delivery of the economic dimension of sustainable development.
- 7.68 The Vistry Group draw attention to the granting of planning permission on appeal for a site in Park Road, Ketton. I recommend that the supporting text is amended to reflect this matter

Replace part (a) ii with:

‘In order to provide proportionate and controlled growth for Ketton in line with government and local housing targets, the neighbourhood area will provide a minimum of 52 dwellings within the Plan period’

Delete part (b)

In the Explanation add: ‘Planning permission has recently been granted on appeal for land off Park Road, Ketton for 75 homes (2020/0942/OUT)’

Policy KT 14: Location and scale of new housing (Tinwell)

- 7.69 This policy seeks to achieve the same effect as Policy KT 13.
- 7.70 I am satisfied that this approach is appropriate and meets the basic conditions. If the adopted Local Plan incorporates a higher number of new homes than currently anticipated a made neighbourhood plan would be able to address the matter by way of a full or partial review.
- 7.71 I recommend three modifications to the policy to take account of RCC’s very helpful representation. The first refines the description of the village in the first part of the policy. The second deletes the third element of the first part of the policy as its explanation of this policy reiterates the reason for the principles of this policy. The third recommends the deletion of the unnecessary second part of the policy (which largely restates the policy approach already included in the adopted CS). Otherwise, it meets

the basic conditions. It will contribute to the delivery of the economic dimension of sustainable development

In (a) (ii) replace ‘smaller village’ with ‘smaller service centre’

Delete part (a) (iii)

Delete part (b)

Policy KT 15: Infrastructure requirements associated with new development

- 7.72 The Plan advises that the context to the policy is the actual and potential increase in housing in the Plan area to 2041 raises serious concerns amongst the local community about the strain this will place on existing local infrastructure. This was evidenced in the Community Survey and other consultation events, and is a prominent concern expressed by residents when commenting about individual planning applications.
- 7.73 This policy comments that development proposals must address local infrastructure needs. It also comments that development will not be supported unless it can meet the following local infrastructure criteria
- drainage/water provision;
 - amenity provision; and
 - community facilities and services.
- 7.74 RCC comments about the need for the policy and the way in which it would relate to the local delivery of the Community Infrastructure Levy (CIL). It adopted a CIL in March 2016.
- 7.75 I have considered this matter carefully. On the balance of the information, I recommend that the policy is simplified so that it draws attention to the need for individual proposals to provide (or contribute towards the provision of) the specific infrastructure needs of that development. This makes an appropriate distinction between the physical needs directly associated with the development (such as specific off-site highways work or the provision of drainage facilities) and the more general provisions (such as health and wellbeing and culture and leisure). This acknowledges that the latter group is addressed either through the application of the County-wide element of CIL funding and/or through the local element of CIL funding. This approach also acknowledges that in a neighbourhood area with a made neighbourhood plan the amount of the local apportionment of CIL payments increases from 15% to 25%.
- 7.76 I also recommend that KPC considers the suggestion made by RCC to agree a package of infrastructure improvements which will reasonably be required in the neighbourhood area. This would usefully extend to KPC concluding how best to apply its local element of the CIL. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘In addition to meeting the Plan policy requirements in terms of location, scale, design and mix (as set out in Policies KT 13, KT 14, KT 16, KT 17, KT 18 and KT 19), new housing and other development proposals should provide appropriate infrastructure or contribute proportionately to the delivery of new or enhanced infrastructure to enable it to be accommodated satisfactorily within its immediate locality.’

Replace the fourth paragraph of the explanation with:

‘For the purpose of this policy infrastructure includes but is not restricted to surface water drainage and foul water drainage and open space (in relation to new housing development). The consolidation of existing community facilities/services (schools, health, library, social care, and community buildings) and the services which they offer will, subject to local discretion, be delivered through either to County-wide or the local delivery of the Rutland Community Infrastructure Levy (CIL). The Parish Council will work with the County Council to determine the extent to which existing community facilities need to be enhanced to respond to the growth in the number of homes in Ketton. In addition, the Parish Council will consider how best to apply its local element of CIL funding which will be received in the Plan period.’

Policy KT 16: Design requirements for new housing

- 7.77 This is an important policy. The supporting text comments that the Plan recognises the important framework provided for design criteria by the NPPF, the National Design Guide, and the Rutland and South Kesteven Design Code (which has been adopted as a Supplementary Planning Document).
- 7.78 The policy seeks to provide a local dimension to the national and County level advice on design. The Plan comments that the policy draws attention to the characteristics in both the built and natural environments of Ketton and Tinwell which make these settlements special, and is aimed at ensuring that where development occurs, local character and distinctiveness, which include the character of both individual structures and groups of buildings, boundaries, streets and lanes, spaces, features of natural heritage, and the landscape, are enhanced. It is expected that any proposals should be of high quality and innovative. It also supports contemporary proposals that enhance local character.
- 7.79 A series of local design principles sit at the heart of the policy. In the round it is a positive and local-distinctive response to Section 12 of the NPPF.
- 7.80 I recommend a modification to the policy so that it can be applied in a proportionate way. This acknowledges that not every development will impact on the comprehensive details in the policy. Nevertheless, the importance of good design equally applies to smaller and domestic developments as it does to larger proposals. I also recommend that the correct reference is made to the Rutland Design Guide. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

At the beginning of the policy add: ‘As appropriate to their scale, nature and location’

In the supporting text replace ‘The Rutland and South Kesteven Design Code’ with ‘The Rutland Design Guide SPD (May 2022)’

Policy KT 17: Housing mix for new developments

- 7.81 This policy has two related parts. The first comments that new housing development on sites of 10 or more dwellings should include a range of house types and sizes to reflect the population structure and existing housing stock. Smaller (one-, two-, - and three-bed) homes, homes suitable for young families and for older people, and homes which meet the needs of people with disabilities, should be prioritised in any new development. The second comments that where development proposals for a site consisting of multiple dwellings propose the construction of homes with predominantly 4+ bedrooms, the statistical basis for the proposal for homes of that size in the context of existing community demographics should be clearly demonstrated by the developer.
- 7.82 The supporting text advises that:
- there is both a local aspiration and a statistical need to encourage a wider range of house types in Ketton and Tinwell, taking account of the bias in the population structure towards older people and the preponderance of larger houses in recent developments;
 - the 2011 Census also indicates that whilst provision of housing stock with three bedrooms and one bedroom is roughly on a par with county and regional averages, the Plan area figure for two-bedroom stock is significantly lower than county and regional averages. Conversely the Plan area provision of four-bedroom stock is significantly higher than the corresponding averages; and
 - the requirements to provide for the housing needs and aspirations of all sections of the community, including provision for specialist needs and the elderly, will help to maintain housing choice and may result in the greater availability of housing for young people and families.
- 7.82 In its response to the clarification note KPC provided further details in the source of the policy approach and the underpinning evidence. I am satisfied that this demonstrates the way in which the policy has been crafted.
- 7.83 I recommend a detailed modification to the wording of the first part of the policy as clarified by KPC in its helpful response to the note.
- 7.84 I recommend that the second part of the policy is relocated into the supporting text. It consolidates the way in which the first part of the policy would be applied and is a process rather than a policy matter.
- 7.85 RCC raises technical comments about the definitions used in the policy. They are incorporated in the recommended modifications. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development

In the first part of the policy replace ‘be prioritised’ with ‘the primary focus’

Delete the second part of the policy.

Reposition the deleted second part of the policy to sit at the end of the third paragraph of the Explanation

In the seventh paragraph of the supporting text before the policy relace ‘in the NPPF’ with ‘in Annex 2 of the NPPF’

Policy KT 18: Extensions and conversions

7.86 The supporting text helpfully sets the context for this policy. It advises that residential extensions comprise most planning applications in the area. It also advises that permitted development rights enable a wide range of types and sizes of extensions to be built without the need for planning permission. However, depending on the type of existing dwelling, larger extensions, or those at the front of a property require planning permission. The purpose of this policy is to ensure that, in addition to residential amenity, the general design of the extension/conversion is taken into account, along with the need to reflect local character and distinctiveness. KPC comment that it will encourage detailed design that is appropriate to the setting and character of the area whilst also enabling energy efficiency and water management features to be incorporated into that design.

7.87 The policy sets out a series of design criteria for extensions and conversions. It does so in a comprehensive and locally distinctive way which meets the basic conditions.

7.88 I recommend that the reference to the Design Guide in the supporting text is corrected.

In the Explanation replace ‘Rutland and South Kesteven Design Code SPD’ with ‘Rutland Design Guide SPD (May 2022)’

Policy KT 19: Commercial development, including agricultural

7.89 This policy comments that proposals for new commercial development, extensions to existing units, farm-based units, agricultural buildings, and tourism development will be supported providing that they meet as series of criteria

7.90 In general terms I am satisfied that the policy takes a positive approach to this matter. Indeed, it sets out a good local response to Section 6 of the NPPF. I am similarly satisfied that the criteria are appropriate to the neighbourhood area and are locally-distinctive.

7.91 Criterion d comments that smaller roads and lanes, and in particular existing rural road verges, should not be adversely compromised or damaged by traffic generated by the development, whether during or after construction. Based on my observations during the visit I readily understand the reasoning for the inclusion of this element of the policy. However, it raises issues which are beyond the land use planning system. In any event criterion c) already addresses the capacity of the local highways network in a satisfactory way in commenting that proposals should be of a type and of a scale which can be satisfactorily incorporated by the local highway network. In coming to this

judgement, I have taken account of KPC's helpful and comprehensive response to the clarification note.

7.92 Finally I recommend that criterion g) on signage is modified to acknowledge that not all proposals will need signage.

Delete d)

In g) replace 'Signage' with 'Any associated signage'

Policy KT 20: Rights of Way

7.93 This policy addresses the rights of way network in the neighbourhood area. It has two related parts. The first comments that development proposals should not adversely affect the existing rights of way network, and development that would result in the loss of existing footpaths, cycle paths or bridleways, or create obstacles to the use of these routes by the community, will not be supported. The second comments that development proposals (which meet other policy requirements) will be supported if they improve or extend the existing network of public footpaths, cycle paths and bridleways in and around the villages, especially where they allow greater access to services and facilities or to the surrounding open countryside.

7.94 The policy responds to the limited availability of rights of way within the neighbourhood area when compared with the rest of the County. It acknowledges that access to the countryside is a major contributor to health and well-being, and that such access needs to be developed and encouraged within communities.

7.95 The policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Policy KT 21: Impact of development on the Strategic Road Network, and development of the A1

7.96 This policy comments about the existing and potential future effects of the A1 on the neighbourhood area.

7.97 The Plan sets out the context to the policy. It advises that A1 has an adverse impact on the area, but the convenient access it provides is acknowledged as a benefit to residents. It asserts that establishing and requiring mitigation for the impact of development within the Plan area on the A1, and engagement in the detailed design and implementation of any improvements to the A1, are legitimate objectives of the Plan.

7.98 I saw the effects of the A1 during the visit. On the one hand the neighbourhood area has excellent access to this important part of strategic highway network. On the other hand, the road has a noise and environmental profile. On the balance of the evidence, I am satisfied that it is appropriate for the Plan to include a policy on this matter. Part of the A1 lies within the neighbourhood area and the road forms part of its eastern boundary. In addition, the A1 provides some of the traffic which runs along the A6121.

7.99 I recommend that the first element of the policy is deleted as the broader issue of Traffic Assessments is addressed in the NPPF (paragraphs 110 to 113). I recommend that the second part of the policy is modified so that it makes a clearer connection with land use matters and the potential effects of any improvements to the A1 and the local highway network.

7.100 In addition I recommend the deletion of the penultimate paragraph of the Explanation. It makes several unsubstantiated comments about the effect of the A1 and includes unnecessary statements about the justification for the inclusion of the policy in the Plan. Plainly the latter issue has been addressed as part of the examination process.

Replace the policy with:

‘Developments proposals relating to the upgrading of the A1 and its junction with the A6121 should maintain safe highway and pedestrian connections and ensure that associated noise, visual intrusion, or general disturbance does not unacceptably detract from the amenity of local residents. Any new road lighting should be carefully designed to avoid intrusion into the landscape and associated impacts on wildlife.’

Delete the penultimate paragraph of the Explanation.

Policy KT 22: Encouraging new businesses

7.101 The policy sets out the Plan’s approach to new business development. It seeks to provide a local iteration of national policy (Section 6 of the NPPF) and local planning policies. It reflects the positive and supportive approach to new businesses development in the NPPF.

7.102 The policy has been designed to operate in a commendably simple way. It offers support to the establishment of new businesses where they meet a series of criteria.

7.103 In general terms I am satisfied that the approach taken in the policy is appropriate. However, I recommend two modifications to bring the clarity required by the NPPF. The first revises the opening component of the policy so that its focus is on land use matters (the development of new businesses) rather than on commercial matters (the establishment of a new business). I also recommend the deletion of the unnecessary reference to the neighbourhood area. The second is the deletion of the seventh criterion which relates to new commercial development in the countryside. As submitted the wording is unclear, and would not be able to be applied consistently through the development management process. In addition, paragraphs 83-85 of the NPPF do not make a distinction between villages and the countryside in the way in which the submitted policy has proposed to do so.

7.104 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the economic dimension of sustainable development

Replace the opening element of the policy with: ‘Proposals for the development of new businesses will be supported, provided’

Delete g)

Policy KT 23: Working from home

- 7.105 This policy relates to proposals for working from home. The supporting text comments that providing the opportunity for small scale businesses compatible with a residential environment to operate from people's own homes can help to reduce the need to travel and can make a positive contribution towards economic growth. Such businesses can also provide opportunities for people to work flexible hours that suit their domestic arrangements. Moreover, with the impact of Covid, working arrangements will likely see considerable restructuring over coming years, which may well lead to further developments within larger companies of systems that allow employees to work out of their own homes, in addition to those people operating their own business from their dwelling.
- 7.106 The policy has two parts. The first offers support for proposals for working from home subject to two criteria. The second advises about the potential need for the imposition of planning conditions and/or planning obligations to control the uses concerned.
- 7.107 In general terms I am satisfied that the first part of the policy meets the basic conditions. It operates in a non-prescriptive way and acknowledges that not all such proposals will constitute a material change of use and therefore need planning permission. I recommend two detailed modifications to the wording used in this part of the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will contribute to the delivery of the economic dimension of sustainable development.
- 7.108 I recommend that the second part of the policy is repositioned into the supporting text. This reflects that it describes a process (and judgement to be made on a case-by-case basis by RCC) rather than being a land use policy.

In part a of the policy insert 'or' before 'extensions'

In part a of the policy (i) replace 'significant' with 'unacceptable'

In part a of the policy (ii) replace 'substantially' with 'unacceptably'

Delete part b of the policy

Relocation part b) of the policy to the end of the Explanation

Policy KT 24: Fibre Broadband

- 7.109 This policy comments that proposals for new residential or commercial development shall include the provision of ducting to support the provision of fibre to the premises technology to individual premises unless it can be demonstrated that such provision would not be practicable or viable.
- 7.110 The policy is well-considered. It recognises the importance of high-quality digital technology in modern life.
- 7.111 However since the Plan was prepared and submitted the Building Regulations have been updated (Part R December 2022) to determine the provision of Broadband to

new homes. In these circumstances the policy is no longer required and I recommend its deletion.

Delete the policy

Delete the associated subject heading, Preamble and Explanation

Policy KT 25: The protection of community facilities

- 7.112 This policy celebrates the importance of community facilities to the well-being of the neighbourhood area. It comments that proposals to redevelop or change the use of an existing community facility or land or buildings last used as a community facility will only be supported where conditions are met. The approach taken in the policy has been carefully considered. It acknowledges that circumstances may change in the Plan period and/or that the viability of community facilities may alter.
- 7.113 RCC queries the extent to which the policy brings any added value beyond existing policies in the development plan. I have considered this matter carefully. On the balance of the evidence, I am satisfied that the reference to the community facilities in the text brings the added value. In addition, the inclusion of the policy helps to celebrate the importance of such facilities in the neighbourhood area.
- 7.114 The policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Policy KT 26: The provision of new community facilities

- 7.115 This policy identifies a series of criteria with which proposals for new community facilities should comply.
- 7.116 The Cavendish Gospel Hall comment about two specific elements of the policy. The first is on its reference to the settlement boundary. The second is on the fifth criterion which relates to the extent to which any new community facility would be available to the whole community. On the former matter I am satisfied that the approach taken is appropriate and meets the basic conditions. Any qualifying body is at liberty to include whatever policies it sees fit in its plan. The submitted policy is silent on proposals for new community facilities outside the settlement boundary. On this basis any development proposals would be determined on their merits against development plan policies.
- 7.117 On the second matter I recommend that the fifth criterion is deleted. I have reached this decision for three related reasons. The first is that it adds little value to the fourth criterion (satisfying a clear local need). The second is that by their nature different facilities will cater for different needs, some of which will be general throughout the community and others of which will be more specific to certain people. The third is that the criterion would be difficult to apply with clarity and consistency throughout the Plan period. In addition, it would be impractical to attempt to control by way of a planning condition on any use which may come forward. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

In the opening part of the policy delete ‘only’

Delete criterion v.

Community Aspirations

- 7.118 Section 7 of the Plan contains a package of Community Aspirations. They consist of 24 non-land use issues which have naturally arisen as the Plan has been produced. They are presented around six sections.
- 7.119 This part of the Plan is a major achievement. The Aspirations are set out in a separate part of the Plan as recommended in national advice. The six themes/sections help to provide a series of approaches. In some cases, the Aspirations will complement the land use policies.
- 7.120 In general terms am satisfied that the Aspirations are both locally distinctive and appropriate for the character of the neighbourhood area. In specific terms they are very well developed. The following are particularly compelling and their implementation will do much to consolidate and enhance the quality of life in the neighbourhood area:

Community Aspiration KTCA 6 - Further provision for outdoor seating, footpaths, and additional litter bins.

Community Aspiration – KTCA 7 – to establish an additional play area, together with suitable planting and management to encourage wildlife.

Community Aspiration KTCA 8 – Improve the maintenance of existing pedestrian routes and where possible make them wheelchair/pushchair-friendly. Adapt footpaths and create segregated paths for walking and cycling. Interconnect existing paths around the villages.

Community Aspiration KTCA 9 – Introduce a new footpath/cycleway between Ketton and Tinwell and onward to Stamford, and a footbridge over the Welland adjacent to the Collyweston Rd bridge.

Community Aspiration KTCA 17 - Creating safer pavements adjacent to the Ketton village school

Community Aspiration KTCA 18 - A safe pedestrian crossing for the A6121 in Tinwell.

Community Aspiration KTCA 22 – KPC and TPM to support action by RCC to facilitate better local access to doctors' surgeries and dispensing facilities, and to maximise health care provision, including access to hospital and ambulance services, particularly in view of the additional pressures of new development.

Monitoring and Review

- 7.121 Section 7 properly sets out the way in which the Plan would be monitored and reviewed. This is best practice. It identifies that the wider development plan is evolving on a regular basis and that any neighbourhood plan can quickly become out of date.

7.122 This part of the Plan comments that KPC assesses the need or otherwise for the Plan to be reviewed within six months of the adoption of the emerging Rutland Local Plan. In this context the Plan acknowledges that the adoption of the Local Plan will be a significant stage in the development of planning policy in the County. This is also best practice

Other matters - General

7.123 This report has recommended a series of modifications both to the policies and to the 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 and KPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

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

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 2041. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan, I have concluded that the Ketton and Tinwell 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 Ketton and Tinwell Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the designated neighbourhood area. In my view, that area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by Rutland County Council on 18 October 2018.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
24 April 2023