



## **Market Overton Neighbourhood Development Plan**

### **Decision Statement: 5th December 2022**

**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 Market Overton Neighbourhood Development Plan Review has been altered as a result of it; and that this plan may now proceed to referendum.

#### **2. Background**

- 2.1 The Market Overton Neighbourhood Development Plan relates to the area that was designated by Rutland County Council as a neighbourhood area in July 2016 which designated the whole of the Market Overton Parish as the Market Overton Neighbourhood Area.
- 2.2 Following the submission of the Market Overton Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ran between Thursday 4 August until Thursday 15 September 2022.
- 2.3 Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI was appointed by Rutland County Council with the agreement of Market Overton Parish Council, to undertake the examination of the Market Overton 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. Recommendations, Decision and Reasons**

- 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 Market Overton Parish Council have 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 on the Market Overton Neighbourhood Plan webpage - <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/neighbourhood-planning/market-overton-neighbourhood-plan/>

3.3 Under agreed delegation arrangements, the Council's Director of Places, in conjunction with the Council's Portfolio holder for Places (Planning, Highways and Transport) has determined that the modifications set out in Table 1 are in accordance with the Examiner's recommendations and ensure that the Plan meets the Basic Conditions.

Signed by:

A handwritten signature in black ink, appearing to be 'P. Chapman', written over a faint, illegible printed name.

Director of Places

Date: 08/12/2022

**The paragraph numbering refers to the submission version of the Market Overton Neighbourhood Plan:**

Modifications are recommended to policies are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

<b>Examiner's Recommended Modifications</b>		<b>Justification</b>	<b>Decision</b>
<b>Policy/Paragraph</b>	<b>Modification</b>		
<b>Policy MOP1 Dwelling sizes and types</b>	<p>In the first element of the policy replace 'will be approved where' with 'should include'.</p> <p>In the second element of the policy replace 'will be required to' with 'should'.</p> <p>In the third element of the policy replace 'approved' with 'supported'.</p> <p>Delete the fourth element of the policy.</p>	<p>Modifications to the wording used in the first three parts of the policy ensure they can be used practically in the development management process.</p> <p>The fourth element was deleted as it doesn't provide clarity required for a development plan policy.</p>	Accept
<b>Policy MOP2 Landscape Character</b>	<p>In the first part of the policy replace 'Proposals for.... where they' with 'As appropriate to their scale, nature and location development proposals should'.</p> <p>In the second part of the policy replace 'Proposals will be approved where they' with 'Development proposals should'.</p> <p>In the third part of the policy replace 'approved' with 'supported'.</p>	<p>Modifications ensure that the policy has the clarity required by the NPPF and will be able to be applied consistently through the development management process.</p>	Accept
<b>Policy MOP3 Development of a green infrastructure network</b>	<p>In the first part of the policy replace 'approved' with 'supported'.</p> <p>In the second part of the policy replace 'Where feasible proposals shall' with 'As appropriate to their scale, nature and location development proposals should'</p>	<p>Modifications ensure that the policy has the clarity required by the NPPF and will be able to be applied consistently through the development management process.</p>	Accept

<p><b>Policy MOP4 Local Green Spaces</b></p>	<p>Replace the final element of the policy with:</p> <p>‘Development proposals within the designated local green spaces will only be supported in very special circumstances’</p> <p><i>At the end of paragraph 6.3.12 add: ‘Policy MOP4 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the County Council. In particular, it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy’</i></p>	<p>Provide clarity to set out the way in which development proposals affecting the designated LGSSs would be assessed on a case-by-case basis by RCC. In particular RCC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy. This would provide the type of approach which the submitted policy sought to achieve.</p>	<p>Accept</p>
<p><b>Policy MOP5 Design</b></p>	<p>Replace the first part of the policy with: ‘Development proposals should be of a high quality and respond positively to the distinctive characteristics described in the Market Overton Character and Landscape Assessment.’</p> <p>In 3 replace ‘adverse’ with ‘unacceptable’.</p> <p>In 4 delete ‘irrespective of whether or not the building is statutorily listed’.</p> <p>In 5 replace ‘approved’ with ‘supported’.</p>	<p>Provide clarity required by the NPPF and to ensure that the policy can be applied consistently through the Plan period.</p>	<p>Accept</p>
<p><b>Policy MOP6 Residential amenity and traffic management</b></p>	<p>In the first part of the policy replace ‘approved’ with ‘supported’.</p> <p>In the first part of the policy (II) replace ‘adverse’ with ‘unacceptable’.</p> <p>Replace the second part of the policy with: ‘Development proposals, including extensions, should deliver appropriate parking provision to meet the most up to date adopted parking standards of the County Council.’</p>	<p>Provide clarity required by the NPPF and to ensure that the policy can be applied consistently through the development management process.</p> <p>The second part of the policy is reconfigured so that its takes positive approach.</p>	<p>Accept</p>

<p><b>Policy MOP7 Natural features and landscape</b></p>	<p>Replace the policy with:</p> <p>‘As appropriate to their scale, nature and location developments proposals should maintain, enhance, restore or add to biodiversity, whilst retaining existing natural features, and should include suitable measures to protect such features from damage, destruction or deterioration in quality. Where it is practicable to do so, development proposals should take opportunities to achieve positive gain through their form, layout and design.</p> <p>Where necessary, development proposals should incorporate additional landscape works to soften the visual impact of the development and/or enhance existing natural features. New trees and hedgerows provided shall be of native species and of a potential height and spread appropriate to their location.</p> <p>Proposals for housing should incorporate a minimum of one tree within the curtilage of each new dwelling. Should this not be practicable, a tree should be planted in a suitable location within the village boundary.’</p> <p><i>At the end of paragraph 6.3.26 add: ‘Policy MOP7 sets out the Plan’s approach to these important matters. In circumstances where a development proposal would result in the unavoidable loss of a natural feature of importance which is outweighed by the wider benefit of the development, any granting of planning permission should require the replacement of the natural feature or, in the case of the removal of a tree, the planting of two replacement trees within the parish.’</i></p>	<p>Provide clarity required by the NPPF and to ensure that the policy can be applied consistently through the Plan period.</p>	<p>Accept</p>
<p><b>Policy MOP8 Surface Water Flooding</b></p>	<p>Replace the opening element of the policy with: ‘As appropriate to their scale, nature and location development proposals should be designed to avoid increasing flood risk elsewhere and should:’</p>	<p>Provide clarity required by the NPPF and to ensure that the policy can be applied consistently through the Plan period.</p>	<p>Accept</p>
<p><b>Policy MOP9 Market Overton</b></p>	<p>In the opening element of the policy replace ‘approved’ with ‘supported’.</p>	<p>Provide clarity required by the NPPF and to ensure that the</p>	<p>Accept</p>

<b>Industrial Estate</b>	Delete the first criterion. In the second criterion replace 'significantly adverse' with 'unacceptable'. In the fourth criterion replace 'adverse' with 'unacceptable'.	policy can be applied consistently through the Plan period.	
<b>Policy MOP10 Working from home</b>	In the first part of the policy replace 'approved' with 'supported'. In the two criteria replace 'significant' with 'unacceptable'. Delete the second part of the policy and reposition as part of the supporting text.	the second part of the policy is supporting text rather than policy in its own right. In these circumstances I recommend that it is deleted from the policy and repositioned into the supporting text.	Accept
<b>Policy MOP11 Fibre to the premises</b>	Replace the policy with: 'Development proposals for new dwellings and commercial development should make provision for the delivery of high-speed broadband to the premises concerned.' <i>Replace the title of the policy with 'High-Speed Broadband'</i> <i>Delete the final three sentences in paragraph 6.4.7.</i>	In its response to the clarification note MOPC acknowledged that full-fibre broadband is unlikely to be delivered in the village for some considerable time and therefore suggested that the policy should be revised to support the provision of high-speed broadband.	Accept
<b>Policy MOP12 The retention of community facilities</b>	In the opening element of the policy replace 'approved' with 'supported' and 'is met' with 'are met'	Provide clarity required by the NPPF and to ensure that the policy can be applied consistently through the Plan period.	Accept
<b>Policy MOP13 The provision of new</b>	In both parts of the policy replace 'approved' with 'supported'	Provide clarity required by the NPPF and to ensure that the policy can be applied consistently through the Plan period. The	Accept

<b>community facilities</b>	<p>In the first part of the policy replace the second criterion with: 'Will provide appropriate on-site car parking'</p> <p>In the third criterion of the first part of the policy delete 'only'</p>	recommended modification to the second criterion of the first part of the policy generates a positive approach to the need for on-site car parking.	
<b>Monitoring and Review</b>	<p>At the end of paragraph 7.2 add:</p> <p><i>'In particular the Parish Council will assess the need or otherwise for a review of the Plan within six months of the adoption of the Rutland Local Plan or January 2027 (whichever date is first). Thereafter the need or otherwise for the Plan to be reviewed will be assessed every five years.'</i></p>	Modification to this part of the Plan to ensure that MOPC assesses the need or otherwise for the Plan to be reviewed within six months of the adoption of the emerging Rutland Local Plan.	Accept
<b>General Matters</b>			
<b>Glossary</b>	<p>In the Glossary of the Plan the reference to 'Starter Homes' should be removed as this approach is no longer supported by Government. Similarly, a reference to 'First Homes' - which are in the relevant Written Ministerial Statement and national Planning Practice Guidance - should be added.</p>	Necessary to ensure that the Plan meets the basic conditions.	Accept
<b>Paragraph 6.2.1</b>	<p><i>In paragraph 6.2.1:</i></p> <ul style="list-style-type: none"> <li>• <i>Insert 'The Rutland Local Plan was withdrawn in September 2021.'</i></li> <li>• <i>Clarify that the Rutland Design Guidelines are a supplementary planning document.</i></li> <li>• <i>Replace 'where smaller scale growth will be provided through allocated sites,' to 'Where a level of growth can be accommodated through small scale allocated sites'</i></li> </ul>	Necessary to ensure that the Plan meets the basic conditions.	Accept

**Paragraph  
6.2.2**

*In paragraph 6.2.2 add the missing words so that it reads: 'The responses received to the Neighbourhood Plan Questionnaire.'*

Necessary to ensure that the Plan meets the basic conditions.

Accept