



North Luffenham Neighbourhood Development Plan

Decision Statement: 23 August 2023

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 North Luffenham 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 North Luffenham Neighbourhood Development Plan relates to the area that was designated by Rutland County Council as a neighbourhood area in February 2020, which designated the whole of the North Luffenham Parish as the North Luffenham Neighbourhood Area.
- 2.2 Following the submission of the North Luffenham Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ran between 17th March until 28th April 2023
- 2.3 Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI was appointed by Rutland County Council with the agreement of North Luffenham Parish Council, to undertake the examination of the North Luffenham 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 North Luffenham 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 North Luffenham Neighbourhood Plan webpage - <https://www.rutland.gov.uk/neighbourhoodplans>
- 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:



Director of Places

Date: 23/08/23

The paragraph numbering refers to the submission version of the North Luffenham 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.

Examiner's Recommended Modifications		Justification	Decision
Policy/Paragraph	Modification		
Section 1	<i>At the end of the penultimate para on page 5 add: 'The Plan period is 2023 to 2037'</i>	Whilst the Plan period is identified on the front cover, it is recommended that it is also included in this part of the Plan to ensure that prescribed conditions (as described in paragraph 2.6 of this report) are met.	Accept
Policy NL1 Employment and Community facilities	In the first part of the policy add 'proposals' after 'Development' and replace 'significant adverse' with 'unacceptable'	Detailed Modifications to the wording of the first part of the policy so that it has the clarity required by the NPPF and can be implemented consistently by RCC in the Plan period.	Accept
Policy NL2 Broadband	Delete the policy. <i>Delete the supporting text</i>	In December 2022 Part R of the Building Regulations was introduced and set out national requirement for new development to supply access to broadband. In these circumstances, the deletion of the policy is recommended, given that its intentions have been overtaken by external events.	Accept

NL3 Residential Development	<p>Replace the first part of the policy with:</p> <p>‘Residential development proposals will be supported in the following circumstances:</p> <ul style="list-style-type: none"> • where they are located within the Limits of Development; • where they involve the conversion of existing buildings consistent with other development plan policies; • where they consist of infill development within existing built frontages; and • where they are rural exception schemes which comply with other policies in the development plan’ <p>In the third part of the policy replace ‘must’ with ‘should’</p> <p>Delete the fourth part of the policy.</p> <p><i>In the interpretation delete the penultimate paragraph (on Lifetime Homes)</i></p>	Detailed Modifications to the policy recast it so that it will bring the clarity required by the NPPF. Modification to remove outdated reference to Lifetime Homes.	Accept
Policy NL4 Natural Environment	<p>In the first part of the policy replace ‘Development.... impact on’ with ‘Development proposals should respond positively to’</p> <p>In the second part of the policy add ‘proposals after development’</p> <p>At the beginning of the third part of the policy add ‘Where practicable’</p> <p>Replace ‘replacements must’ with ‘their replacements should’</p>	Detailed Modifications to the policy recast it to bring the clarity required by the NPPF. Modifications to the third part of the policy acknowledge that the intended approach may not always be practicable	Accept
Policy NL5 River Chater	<p>Replace ‘must have no adverse impact on’ with ‘should safeguard’ and delete ‘on’</p> <p>In the criteria add ‘its’ at the beginning (in b replace ‘the’)</p>	Modifications to the policy recast it so that it has a positive approach.	Accept
Policy NL6 Local Green Space	<p>In Part 1 of the policy delete LGS2 Butt Lane</p>	LGS 2 is deleted from the policy as it does not meet the high standards required for LGS designation. Modifaction to the	Accept

	<p>Replace the second part of the policy with: ‘Development proposals affecting local green spaces will only be supported in very special circumstances.’</p> <p><i>Delete the supporting text for LGS2.</i></p> <p><i>At the end of the supporting text add: ‘Policy NL6 takes the matter-of-fact approach towards local green space as set out in the NPPF. The County Council will be able to assess the extent to which proposals meet the very special circumstances as identified in national policy on a case-by-case basis. They may include proposals to enhance the community value, accessibility, safety, and amenity value of the local green space.’</i></p> <p><i>On Figure 5.4.1 delete LGS2 Butt Lane</i></p>	<p>policy recommended as the policy goes beyond the matter-of-fact approach taken in the NPPF. Recommendation to consolidate the supporting text to explain the way in which RCC would make judgment on proposals affecting designated LGS.</p>	
<p>Policy NL7 Watercourses and Surface Water</p>	<p>In the first part of the policy replace ‘Development should have no significant adverse’ with ‘Development proposals should have no unacceptable’</p> <p>In the second part of the policy replace ‘Development’ with ‘As appropriate to their scale, nature, and location development proposals’</p> <p>At the beginning of the third part of the policy add: ‘Where practicable,’</p>	<p>Modifications to the wording of the policy have been recommended for clarity required by the NPPF and to allow RCC to be able to apply the policy consistently within the Plan period.</p>	<p>Accept</p>
<p>Policy NL8 Placemaking and Sustainable Design</p>	<p>At the beginning of the policy add:</p> <p>‘As appropriate to their scale, nature and location, development proposals should deliver high quality design which responds positively to the character and appearance of the neighbourhood area and the following design principles:’</p> <p>In criterion 2 add at the beginning ‘Any’ and then replace ‘must’ with ‘should’ North Luffenham Neighbourhood Plan – Examiner’s Report 19</p> <p>In criterion 4 add ‘any’ before ‘green’</p>	<p>Detailed modifications recommended so that they will have the clarity required by the NPPF. Recommend the insertion of an introductory element to the policy to provide a context for RCC to apply the relevant principles as they would relate to any proposal. Following the withdrawal of the emerging Local</p>	<p>Accept</p>

	<p>In criterion 11 replace ‘significant adverse’ with ‘unacceptable’</p> <p>In criterion 14 add ‘objective’ at the end</p> <p><i>At the end of the final paragraph on page 47 add: ‘These documents were prepared during the early stages of the Plan. However, given the withdrawal of the Local Plan they have no status in this neighbourhood plan.’</i></p>	Plan, clarity is recommended within supporting text for the status of the documents.	
Policy NL9 Historic Environment	<p>In the first part of the policy add ‘proposals’ after ‘Development’</p> <p>Replace the second part of the policy with:</p> <p>‘The Plan identifies the following non-designated heritage assets (as shown on Figure Insert number):</p> <ul style="list-style-type: none"> • The airfield control tower, St Georges Barracks • The school playing field ha-ha; • The site of the lost village of Sculthorpe • The old fishponds by the River Chater <p>The effect of a development proposal on the significance of the identified non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be taken having regard to the scale of any harm or loss and the significance of the heritage asset.’</p> <p><i>Show the identified NDHAs on an additional map.</i></p>	Detailed modifications recommended to bring the clarity required by the NPPF. Modifications to recast the second part of the policy are recommended to highlight the assets and ensure it takes the balanced judgement set out in national policy.	Accept
Policy NL10 Landscape Setting and Separation	<p>Replace the policy with:</p> <p>‘Development proposals should respect the open and green landscape setting of North Luffenham Village and its separation from St George’s Barracks (as shown on Figure 5.7.3).</p> <p>Development proposals which would compromise or cause unacceptable harm to the open and green landscape setting, or which</p>	Modifications to the wording of the policy for accuracy. Modifications to the policy reconfigure it so that it has a positive approach.	Accept

	unacceptably detract from the separation between the village and St George's Barracks will not be supported.'		
Policy NL11 Transport and Movement	<p>In part 2 replace 'Development must' with 'Development proposals should'</p> <p>In part 4 delete 'including for each dwelling'</p> <p>In part 6 replace 'must have no significant adverse impact' with 'should have no unacceptable impact'</p> <p>In part 7 replace 'significant' with 'unacceptable'</p> <p>In part 8 replace the two uses of 'must' with 'should'</p>	Detailed Modifications to the wording of the policy have been recommended for clarity required by the NPPF and so it can be implemented consistently by RCC in the Plan period.	Accept
Monitoring and Review	<i>At the end of Section 6 add: 'The Parish Council acknowledges that the County Council is currently preparing a new Local Plan. It will revise the strategic planning context for the County. It may provide a context for future development on the St George's Barracks site. In these circumstances the Parish Council will assesses the need or otherwise for the Plan to be reviewed within six months of the adoption of the emerging Rutland Local Plan'</i>	<p>Recommendation firstly, that the Plan acknowledges the relatively short-term nature of the Plan period. Secondly, the impending review of the Rutland Local Plan both in general, and in terms of any proposals which it may include for the future of the St Georges Barracks.</p> <p>Recommendation that in these circumstances, the Plan comments that NLPC will assesses the need or otherwise for the Plan to be reviewed within six months of the adoption of the emerging Rutland Local Plan. In process terms this will acknowledge that the adoption of the Local Plan will be a significant</p>	Accept

		stage in the development of planning policy in the County.	
Other Matters - General	<i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i>	Recommendations have been made for a series of modifications to both the policies and supporting text, 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 NLPC to have the flexibility to make any necessary consequential changes to the general text.	Accept