



## **Wing Neighbourhood Development Plan**

### **Decision Statement: 12<sup>th</sup> December 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 Wing 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 Wing Neighbourhood Development Plan relates to the area that was designated by Rutland County Council as a neighbourhood area in xxx which designated the whole of the Wing Parish as the Wing Neighbourhood Area.
- 2.2 Following the submission of the Wing Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ran between Friday 16<sup>th</sup> June to Friday to Friday 28<sup>th</sup> July 2023.
- 2.3 Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI was appointed by Rutland County Council with the agreement of Wing Parish Council, to undertake the examination of the Wing 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 Wing 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 Wing Neighbourhood Plan webpage - <https://www.rutland.gov.uk/planning-building-control/local-plan/neighbourhood-plans>

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 read 'P. Nap', is written over the printed name of the Director of Places.

Director of Places

Date:12/12/23

**The paragraph numbering refers to the submission version of the Wing 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		
<b>Introduction</b>	<i>At the end of the fourth paragraph on Introduction add: ' (2023 to 2038)'</i>	Included in this part of the Plan to ensure that prescribed conditions (as described in paragraph 2.6 of this report) are met.	Accept
<b>HBE1: Settlement Boundary</b>	<p>Replace the second part of the policy with: <b>'Development outside the Planned Limits of Development will be carefully managed in accordance with national and local planning policies.'</b></p> <p><i>Modify the policy title so that it reads 'Planned Limits of Development'</i></p> <p><i>Modify the title for Figure 2 to read: 'Planned Limits of Development for Wing'</i></p>	The second part of the policy is simplified by the deletion of the reference to the open countryside. This acknowledges that there is a clear difference between the character of parcels of land on the edge of the village and those in more remote locations in the parish.	Accept
<b>HBE2: Residential Site Allocation</b>	<p>Replace d) with: <b>'The layout of the site should respond positively to the principles should on Figure 3.'</b></p> <p>Delete e)</p> <p>Replace g) with: <b>'The development of the site should respond positively to the contents of the Wing Design Guide.'</b></p> <p>Add an additional criterion to read: <b>'The development of the site should retain and, where practicable consolidate, the trees and hedges on the western</b></p>	<p>Modify the criteria to ensure that they have the clarity required by the NPPF and relate to the principles for development as shown in Figure 3.</p> <p>This acknowledges that the ownership of land is not a land use matter.</p> <p>An additional criterion to safeguard the significant landscaping on the eastern and western boundaries of the site.</p>	Accept

	<p><b>and eastern boundaries of the site other than where their loss is required to achieve a vehicular access into the site.'</b></p> <p>At the end of the supporting text add:</p> <p><i>'The overall proposal has been carefully considered in close consultation with the landowner. It is expected that land adjacent to site B, Reserve Site, will be gifted to the community as a wild and treed recreation area with footpaths allowing connectivity to the Maze and recreation ground.'</i></p>		
<b>HBE3: Reserve Site</b>	<p>Replace the policy with:</p> <p><b>'Land shown as Site B on Figure 3 is identified as a reserve housing site.</b></p> <p><b>The site will be released for housing purposes if it becomes necessary to provide additional homes in the parish in accordance with the strategic housing requirement in the emerging Local Plan.</b></p> <p><b>If the site is released for development, it should proceed on the basis of a masterplan submitted with the first application on the site and which responds positively to the principles as shown on Figure 3.'</b></p>	<p>So that the purpose and the potential release of the site is clear and that its eventual development should proceed on the basis of the concept in Figure 3 of the Plan.</p> <p>The modified policy refers only to circumstances where it becomes necessary to provide for additional homes in the parish in accordance with the emerging Local Plan.</p> <p>The reference in the submitted Plan about the failure of existing housing sites in Wing to deliver the anticipated scale of development required is unclear and may result in unanticipated outcomes. In addition, it takes no account of the proposed allocated site (in Policy HBE2 of the Plan) to deliver new homes in the parish in the Plan period.</p>	Accept
<b>HBE4: Housing Mix</b>	<p>Replace the policy with:</p>	<p>so that it comments generally about meeting local housing needs and then offers specific support for</p>	Accept

	<p><b>‘Where practicable and viable, new housing development proposals should provide a mixture of housing types specifically to meet identified and evidenced local needs. In this context proposals which deliver smaller homes (three bedrooms or fewer) and homes suitable for older people (especially those who wish to downsize) will be particularly supported’</b></p> <p>As a new paragraph at the end of the supporting text add:</p> <p><i>‘Policy HBE4 addresses this important matter. Proposals which include homes with four or more bedrooms should identify the way in which they delivery local housing needs or the way in which they would make the delivery of the overall development commercially viable.’</i></p>	<p>smaller homes and homes suitable for older people.</p>	
<p><b>HBE5: Affordable Housing</b></p>	<p>In a) replace <b>‘Settlement Boundary’</b> with <b>‘Planned Limit of Development’</b></p> <p>Replace the final part of the policy with:</p> <p><b>‘Proposals for First Homes and self-build homes will be supported where they comply with other development plan policies.’</b></p>	<p>To reflect the recommended modification to the wording used in Policy HBE1.</p> <p>Modification to the final part of the policy which addresses First Homes and self-build homes.</p>	<p>Accept</p>
<p><b>HBE6: Windfall Sites</b></p>	<p>Replace the opening element of the policy with:</p> <p><b>‘Development proposals for infill and/or redevelopment sites comprising individual dwellings or small groups of dwellings within the Planned Limits of Development will be supported where they:’</b></p> <p>In a) replace <b>‘The site retains’</b> with <b>‘retain’</b></p>	<p>To bring the clarity required by the NPPF and allow it to be applied consistently through the development management process.</p>	<p>Accept</p>

	<p>Replace c) with <b>‘they include safe pedestrian and vehicular access’</b></p> <p>Replace d) and e) with:</p> <p><b>‘they respond positively to any listed buildings in the immediate locality and the Conservation area and its setting; and</b></p> <p><b>they do not reduce garden space to an extent where it unacceptably impacts on the character of the area, or the amenity of neighbours’</b></p>		
<b>HBE7: Design</b>	<p>Replace <b>‘must’</b> with <b>‘should’</b></p> <p>Delete <b>‘in particular.... (Appendix 3)’</b></p> <p>At the end of the final paragraph of supporting text add:</p> <p><i>‘Policy HBE7 specifies that proposals should respond to the principles on the Design Guide. In this context the details on pages 9 – 12 will be particularly relevant.’</i></p>	So that it more closely relates to a neighbourhood plan.	Accept
<b>ENV 1: Local Green Spaces</b>	<p>Replace the policy with:</p> <p><b>‘The Plan designates the following Local Green Spaces (list the three LGSs)</b></p> <p><b>Development proposals affecting the local green spaces will only be supported in very special circumstances.’</b></p> <p>In the supporting text replace ‘two’ with ‘three’</p> <p><i>At the end of the supporting text add: ‘Policy ENV1 follows the matter-of-fact approach in the NPPF. If development proposals come forward on the local green</i></p>	So that it more closely reflects the matter-of-fact approach in the NPPF.	Accept

	<i>spaces within the Plan period, they can be assessed on a case-by-case basis by Rutland County Council. 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>		
<b>ENV 2: Important Open Spaces</b>	<b>In the first part of the policy replace 'significant adverse effect' with 'unacceptable effect'</b>	To bring the clarity required by the NPPF.	Accept
<b>ENV 3: Sites and Features of Natural Environmental Significance</b>	<b>Replace 'The sites...have been identified' with 'The sites and features shown on Figure 7 are identified'</b>  <b><i>At the end of the supporting text as a new paragraph add:</i></b>  <i>'Policy ENV3 seeks to safeguard these important features of the neighbourhood area. It balances the significance of the sites with the importance of the development proposed to the local community. The sites have been identified as being of local significance for their natural environmental features.'</i>	So that it more clearly identifies the features which are addressed by the policy and that the supporting text more fully explains the purpose of the policy.	Accept
<b>ENV4: Woodland, Notable Trees and Hedges</b>	Replace the policy with:  <b>'Development proposals should protect woodland and notable trees of arboricultural, biodiversity and landscape importance (as shown on Figure 8) from loss or damage and integrate them sensitively into the overall design. Proposals which use trees and hedges to enhance the appearance, amenity and biodiversity value of the site will be supported.'</b>  At the end of the supporting text (as a new paragraph) add:	So that it more closely relates to the development management process and will be able to be applied consistently by RCC.  The final part of the policy is a process matter rather than a land use policy and should be relocated into the supporting text.	Accept

	<p><i>'Policy ENV4 addresses this matter. As appropriate to their scale, nature and location development proposals should be accompanied by an arboricultural survey (BS5837:2012 standard or its equivalent) to establish the health and longevity of trees on the site. Biodiversity Metric 3.0 or the Small Sites metric should be used to calculate the wildlife value of development sites Where damage or loss of trees is unavoidable, the developer should provide or arrange for replacement woodland, trees and/or hedges of at least equivalent type (habitat), quantity and/or scale to deliver a net gain in biodiversity and to protect amenity.'</i></p>		
<p><b>ENV 5: Biodiversity, Bat Conservation and Habitat Connectivity.</b></p>	<p><b>Replace the policy with:</b></p> <p><b>'Development proposals should safeguard habitats and species, including those of local significance, by planning for biodiversity net gain. Where significant harm to biodiversity cannot be avoided, development proposals should incorporate their relocation to an alternative site with less harmful impacts, ensuring adequate mitigated, or appropriate compensated.</b></p> <p><b>Development proposals should also achieve a 10% net gain in biodiversity, or the biodiversity net gain metric in force at the time.</b></p> <p><b>Development proposals should respond positively to the habitat connectivity provided by the wildlife corridors identified in Figure 9.</b></p> <p><b>Development proposals should use exterior artificial lighting only where it is required for safety purposes. Any security lighting should be operated by intruder sensors. Sports and commercial facility lighting</b></p>	<p>To be broken into its component elements to bring the clarity required by the NPPF.</p> <p>The wording of the first part of the policy is modified so that it has a positive emphasis</p> <p>The supporting text is consolidated so that it better explains the purpose of the policy and identifies the implications for development proposals which do not meet the requirements of the policy.</p>	<p>Accept</p>



	<p><b>should be switched off during agreed ‘curfew’ hours.’</b></p> <p>At the end of the supporting text (as a new paragraph) add:</p> <p><i>‘Policy ENV5 sets out the Plan’s approach to this important matter. If significant harm to biodiversity cannot be avoided (through relocating to an alternative site with less harmful impacts), adequately mitigated, or compensated, development proposals will not be supported in accordance with paragraph 180 of the National Planning Policy Framework 2023 and following the objectives of the biodiversity net gain (metric 3.0 and small sites) methodology. The fourth part of the policy addresses the potential impact of lighting on wildlife. The overall principles should be the avoidance of all unnecessary exterior artificial lighting. Any essential security lighting, should be operated by intruder sensors and illuminated for no longer than one minute. Any sports and commercial facility lighting should be switched off during agreed ‘curfew’ hours between March and October and follow best practice guidelines in Bats and Lighting Leicestershire Environmental Records Centre, 2014. Lighting design, location, type, lux levels and times of use should follow current best-practice such as by applying the guidelines in Guidance note 08/18 Bats and artificial lighting in the UK: Bat Conservation Trust / Institution of Lighting Professionals, 2018.’</i></p>		
<p><b>ENV 6: Building for Biodiversity</b></p>	<p>Replace the opening part of the policy with:</p> <p><b>‘As appropriate to their scale, nature and location, development proposals should make provision within their design, layout and construction to</b></p>	<p>The deletion of the three criteria which relate to artificial lighting to be consistent with the recommended modifications to Policy ENV5.</p>	<p>Accept</p>

	<p><b>protect and, where practicable, enhance biodiversity, including:</b></p> <p><b>Delete the third, fourth, fifth and sixth criteria.</b></p> <p>After the bullet points in the supporting text add:</p> <p><i>'As part of any planning applications the applicant will be required to submit a Biodiversity Net Gain Plan which will demonstrate the details of the minimum net gain on site.'</i></p>	The opening element of the policy is modified so that it can be applied through the development management process on a proportionate basis by RCC.	
<b>ENV 8: Ridge and Furrow</b>	<p>Replace the first part of the policy with:</p> <p><b>'The areas of ridge and furrow earthworks shown in figure 11.3 are identified as non-designated local heritage assets.'</b></p> <p>Replace the second part of the policy with:</p> <p><b>'In assessing development proposals which would involve any loss or damage to an identified area of ridge and furrow earthwork on Figure 11.3 the benefits of the development will be balanced against the significance of the feature concerned as a heritage asset'</b></p>	To bring the clarity required by the NPPF and to allow RCC to apply the policy consistently through the development management process.	Accept
<b>ENV 9: Non-Designated Heritage Assets</b>	In the second sentence of the policy replace <b>'will'</b> with <b>'should'</b>	So that it more directly applies to the development management process.	Accept
<b>ENV 10: Important Views</b>	<p>Replace the policy with:</p> <p><b>'The Plan identifies the following important views (as shown on Figure 15). [Thereafter list the views].'</b></p>	So that it has the necessary clarity for a development plan policy along with modifications to the supporting text so that it more fully explains the purpose of the policy.	Accept

	<p><b>Development proposals which would affect the identified views should be designed to ensure that their layout, scale, and mass respect the significance and character of the views concerned. Where necessary development proposals should include measures to mitigate the effects of the development on the important view concerned.</b></p> <p><b>Development proposals which would have an unacceptable impact on an important view will not be supported.'</b></p> <p>At the end of the second paragraph of the supporting text add:</p> <p><i>'Policy ENV10 provides a context to ensure that new developments respect the identified views. Where necessary, development proposals should include appropriate mitigation measures. Plainly they will vary on a case-by-case basis. However, they could include reduced or varied heights of buildings, the provision of gaps through development by sensitive layout planning, landscaping, or tree-planting to soften the impact of built structures in a rural landscape.'</i></p>		
<p><b>ENV 11: Footpaths and other Walking Routes</b></p>	<p>Replace the policy with:</p> <p><b>'Development proposals should respond positively to the existing network of footpaths (as shown in Figure 16).</b></p> <p><b>Development proposals that result in the loss of, or have an unacceptable effect on, the existing network</b></p>	<p>So that its focus is shifted from a negative to a positive approach. On this basis it will contribute to the delivery of the social and the environmental dimensions of sustainable development.</p>	<p>Accept</p>

	of footpaths will not be supported unless appropriate mitigation is included within the overall package.'		
<b>ENV 13: Flood Risk Resilience</b>	<p>Replace the opening element of the policy with:</p> <p><b>'As appropriate to their scale, nature and location, development proposals within the areas indicated are in Flood Zones 2 and 3 or a Surface Water flood risk medium or high in Figure 18 should demonstrate that the benefits of development outweigh any harm in relation to their impact on climate change targets, and on the likelihood of it conflicting with locally applicable flood mitigation strategies and infrastructure.</b></p>	So that it can be applied on a proportionate basis by RCC and is more directly applicable to the development management process.	Accept
<b>ENV 14: Renewable Energy Generation Infrastructure</b>	<p>Replace the opening element of the first part of the policy with:</p> <p><b>'Proposals for small-scale, solar and wind generation infrastructure proposals will be supported where they comply with the following criteria:'</b></p> <p><b>Delete b)</b></p> <p><b>In d) replace 'significantly adversely' with 'unacceptably'</b></p> <p><b>In e) replace 'adverse' with 'unacceptable'</b></p> <p><b>In g) replace 'significant adverse' with 'unacceptable'</b></p> <p><b>Delete the second part of the policy.</b></p> <p>Replace the third part of the policy with:</p>	To justify the approach taken in the second part of the policy.	Accept

	<p><b>‘Insofar as planning permission is required, proposals to include integrated solar generation infrastructure in the roofing of existing and new agricultural buildings outside the Planned Limits of Development will be supported.</b></p> <p>Replace the fourth part of the policy with:</p> <p><b>‘Proposals for ground source heat pumps will be supported where they do not have an unacceptable impact on biodiversity (habitats and species), the best and most versatile agricultural land, and the historic environment.’</b></p>		
<b>CF 1: Community Facilities and Amenities</b>	<p>Replace c) with:</p> <p><b>‘provides appropriate levels of car parking’</b></p> <p>In e) replace ‘the disabled’ with ‘the wider community’</p>	To bring the clarity required by the NPPF and ensure that the approach taken is positive rather than negative.	Accept
<b>E 1: Employment and Business Development</b>	In the first part of the policy replace ‘significant adverse’ with ‘unacceptable’	So that its effect has the clarity required by the NPPF. It will contribute to the delivery of the economic dimension of sustainable development.	Accept
<b>E 2: Working from Home</b>	<p>In b) replace ‘significant adverse’ with ‘unacceptable’</p> <p>In c) replace ‘shall be’ with ‘are’</p>	To bring the clarity required by the NPPF. It will contribute significantly to the delivery of the economic dimension of sustainable development.	Accept
<b>E 3: Farm Diversification</b>	<p>Replace the opening element of the policy with:</p> <p><b>‘Proposals for the conversion of existing agricultural buildings to employment-related uses will be supported subject to:’</b></p>	To make clear the acceptable alternative uses for existing agricultural buildings. The deletion of the references to the maintenance of agriculture as the principal land use in the parish given that planning permission would not be required for	Accept

	<p>In c) replace 'adverse' with 'unacceptable'</p> <p>In e) replace 'There is no.... on neighbours' with 'The development will not have an unacceptable impact on the amenity of residential properties in the immediate locality'</p>	<p>either such uses, or their future use. To bring the clarity required by the NPPF.</p>	
<b>E 4: Tourism</b>	<p>Replace the opening part of the policy with:</p> <p><b>'Development proposals to enhance and/or manage tourism facilities will be supported subject to the following criteria:'</b></p> <p>In a) replace 'Settlement Boundary' with 'Planned Limits to Development'</p> <p>In b) replace 'do not have a detrimental' with 'they do not have an unacceptable'</p> <p>In c) replace 'do not adversely affect' with 'they do not have an unacceptable effect on'</p> <p>Replace the final part of the policy</p>	<p>To ensure that it has the clarity required by the NPPF.</p> <p>The second part of the policy is not supported by any detailed evidence and proposes such an approach to existing rather than new properties. As such it would have an inappropriate effect on the local housing market.</p>	Accept
<b>E5: Broadband Infrastructure</b>	<p>At the beginning of the first and second parts of the policy add:</p> <p><b>'Insofar as planning permission is required'</b></p> <p>In the third part of the policy replace 'must' with 'should'</p>	<p>Works of this nature may be permitted development.</p>	Accept
<b>T1: Traffic Management</b>	<p>Replace the opening element of the policy with:</p> <p><b>'As appropriate to its scale, nature and location, new housing and commercial development should:'</b></p>	<p>Simplified by the removal of explanatory text and the policy can be applied on a proportionate basis and to make it clearer</p>	Accept

	<p>Replace e) and f) with: ‘incorporate appropriate traffic calming and the improvement of footpaths and cycle ways networks in the immediate locality.’</p>		
<b>T2: Car parking</b>	<p>In the first part of the policy replace ‘acceptable’ with ‘supported’</p> <p>Replace the final part of the policy with:</p> <p><b>‘Proposals to establish off-road car parking in the village will be supported where they can be safely accommodated in the local highway network and they respond positively to the character and appearance of its immediate locality.’</b></p>	So that it appropriate for a development plan.	Accept
<b>T3: Electric Vehicles</b>	<p><b>Delete the policy</b></p> <p><i>Delete the supporting text (including the Electric Vehicles heading)</i></p>	Nation legislation has been updated on this matter as the Plan was being prepared. Part S of the Building Regulations (April 2023) now applies to new residential and non-residential buildings; buildings undergoing a material change of use to dwellings; residential and non-residential buildings undergoing major renovation; and mixed-use buildings that are either new, or undergoing major renovation. In effect the need for the policy has now been overtaken by national policy.	Accept
<b>Monitoring and Review</b>	<p><i>At the end of Section 8 add:</i></p> <p><i>‘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. In these circumstances the Parish Council will assesses the need or otherwise for the Plan to be reviewed within six</i></p>	To acknowledge that the adoption of the Local Plan will be a significant stage in the development of planning policy in the County.	Accept

	<i>months of the adoption of the emerging Rutland Local Plan.'</i>		
<b>Other matters - General</b>	<i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i>	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 WPC to have the flexibility to make any necessary consequential changes to the general text. I	Accept
<b>Other Matters – Specific</b>	<i>Page 13 paragraph 3 – update the Local Hosing Assessment Need data (as specified by RCC).  Page 21 - refer to the Rutland Design guide SPD (May 2022) in the explanation.</i>	To ensure that it meets the basic conditions	Accept
<b>Other Matters</b>	<ul style="list-style-type: none"> <li>• the use of paragraph numbers throughout the Plan;</li> <li>• the numbering of bullet points; and</li> <li>• the use of hyperlinks to referenced documents in the general parts of the Plan.</li> </ul>	To improve the legibility and effectiveness of the Plan	Accept