



Whissendine Neighbourhood Development Plan

Decision Statement: 3rd January 2024

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 Whissendine 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 Whissendine Neighbourhood Development Plan relates to the area that was designated by Rutland County Council as a neighbourhood area in 2020 which designated the whole of the Whissendine Parish as the Whissendine Neighbourhood Area.
- 2.2 Following the submission of the Whissendine Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ran between Friday 16th June until 5pm on Friday 28th July 2023. Further targeted consultation took place between Monday 9th October until 5pm on Monday 30th October 2023 on the policy and Design Guidelines and Codes during the examination.
- 2.3 Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI was appointed by Rutland County Council with the agreement of Whissendine Parish Council, to undertake the examination of the Whissendine 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 Whissendine 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 Whissendine 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. Crisp', is written over a faint, illegible printed name.

Director of Places

Date: 03/01/24

The paragraph numbering refers to the submission version of the Whissendine 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		
Policy WH1: Housing	<p>Replace the second part of the policy with:</p> <p>'New dwellings should be designed and arranged to that they can respond flexibly to changing household needs, including home-working.'</p> <p>Replace the sixth and seventh parts of the policy with:</p> <p>'As appropriate to their scale, nature and location, development proposals for new dwellings should have screened storage space for bins and recycling and storage space for cycles and personal vehicles.'</p> <p>Delete the eighth part of the policy.</p> <p>Renumber the parts of the policy accordingly.</p> <p><i>At the end of the eighth part of the Interpretation add: 'The sixth part of the policy comments about storage requirements for new dwellings. It has been designed so that it can be applied on a proportionate basis. Where it is practicable to do so, the storage facilities should be combined within a single structure/building.'</i></p>	To bring the clarity required by the NPPF.	Accept
Policy WH2: Community Facilities	<p>Replace the third part of the policy with:</p> <p>'Development proposals which would result in the loss of local services will only be supported where:</p>	So that there are separate sections on community facilities and sporting facilities. This approach addresses the representation to the policy from Sport England and to bring the clarity required by the NPPF and to remove the unnecessary	

	<p>a. an alternative facility to meet local needs is available that is both equally accessible and of equal benefit to the community; or</p> <p>b. the applicant can demonstrate that all options for continued use have been fully explored and none remain which would be financially viable.</p> <p>Development proposals which would reduce the quantity or the quality of sporting facilities will only be supported where they meet the criteria in paragraph 99 of the NPPF (2023) or any updates of this element of national policy'</p>	<p>supporting text in the policy itself (and which is already addressed in the Interpretation).</p>	
<p>Policy WH3: Employment</p>	<p>Replace the policy with:</p> <p>'Development proposals to provide new employment space (Use Class E) will be supported where they do not have an unacceptable impact on the local environment or amenities of residential properties in the immediate locality.</p> <p>Development proposals for the improvement or redevelopment of existing employment sites, will be supported where they do not have an unacceptable impact on heritage assets.</p> <p>Development proposals for the conversion of existing buildings, including agricultural buildings and heritage assets, will be supported.'</p> <p><i>At the end of the fourth paragraph of the Interpretation add: 'The Planned Limits of Development throughout the County have been reviewed in the emerging Local Plan. This has resulted in proposed changes in Whissendine.'</i></p>	<p>To take account of RCC's comments on the Limits of Development.</p>	
<p>Policy WH4: Design</p>	<p>Replace the policy with:</p> <p>'1. Proposals for new development should reflect the local characteristics and circumstances in the</p>	<p>To have the clarity for a development plan policy required by the NPPF and to make an effective</p>	

	<p>neighbourhood area and create and contribute to a high quality, safe and sustainable environment.</p> <p>2. As appropriate to their scale, nature and location, development proposals should respond positively to the details in the Whissendine Design Guidelines and Codes and ensure that:</p> <ul style="list-style-type: none">a. they complement their immediate context and locality in terms of scale, height, massing, set-back from the road and any pattern of front and rear gardens;b. they complement the local character of the village, including the predominant two-storey height and domestic scale of buildings; the use of low walls, hedges, and trees for boundary treatments; and the varied local palette of materials, including brick, stone, thatch, plain tiles, and timber;c. development on the edge of the countryside includes hedges, trees, and other planting to create a soft transition between the built village and surrounding rural landscapes; andd. the design and layout of development should support ease of movement within the site and linkages to surrounding paths and create a safe and convenient environment for cyclists, horse riders and pedestrians, including people with different levels of mobility and wheelchair users. <p>3. Development should include positive design and landscape features to reduce carbon use and achieve biodiversity net gain.</p>	<p>connection between its contents and the submitted Design Guidelines and Codes.</p>	
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	<p>4. Well-designed, creative, green design solutions, including those which make use of local, recycled, or other materials and construction to reduce carbon impacts, will be supported.'</p> <p><i>In the Design Guidelines and Codes:</i></p> <p><i>On page 37 (Code 8)</i></p> <ul style="list-style-type: none"> • <i>delete the example (text and photograph); and</i> • <i>In the lower of the two diagrams replace '4-8 metres' (for front gardens) with '8 metres'</i> <p><i>On page 48 (Code 14) include a further guideline to read:</i></p> <p><i>'The use of street trees where appropriate and with sufficiently large planting areas for the trees to mature.'</i></p>		
<p>Policy WH5: Landscape and Heritage</p>	<p>Replace the first part of the policy with:</p> <p>'Development proposals should protect and where possible enhance the rural and historic landscape in the parish.</p> <p>Wherever practicable, proposals should respond positively to opportunities to enhance Whissendine's rural and historic landscapes and habitats, including ridge and furrow landscapes and grasslands, and achieve overall biodiversity net gain.'</p> <p>In the opening element of the second part of the policy replace 'Development' with 'As appropriate to their scale, nature, and location, development proposals'</p>	<p>To reflect the representations made by RCC and WPC's positive response to the suggestions in its response to the clarification note.</p> <p>So second part of the policy is worded so that it can be applied in a proportionate way.</p>	

	<p>In the second part of the policy at the end of a/b/c replace the full stops with semi colons and at the end of c add 'and'</p> <p>Replace the third part of the policy with:</p> <p>'Development proposals should maintain or enhance the setting of and views to local heritage landmarks, including Whissendine Windmill and St Andrew's Church.'</p>		
<p>Policy WH6: Whissendine Windmill</p>	<p>Replace the policy with:</p> <p>'Development proposals should respond positively to the Windmill as a working heritage asset and its open landscape setting.</p> <p>Development proposals which would have an unacceptable impact on the operation of Whissendine Windmill, including the wind corridors around the structure, will not be supported.'</p> <p><i>Replace the Interpretation with:</i></p> <p><i>'The policy requires that development proposals should respond positively to the significance of the Windmill and to take account of their heritage and operational impacts. Any development proposals for the Windmill itself will be assessed national and local policies for listed buildings. The following plan shows the predominant wind corridors, to help in the application of the policy.'</i></p>	<p>So that the policy draws attention to the need for other development to respect the importance of the Windmill.</p>	
<p>Policy WH7: Surface Water</p>	<p>Replace the policy with:</p> <p>'Where practicable, ground surface areas within development proposals should be water permeable. Development proposals should be designed to protect surrounding land or properties from surface water run-off, taking account of the topography in the immediate locality and parts of the village with</p>	<p>So that the policy focus is more positive and to the wording of the first part of the policy (as submitted) so that it provides clear guidance to the development industry on what should be incorporated into development proposals.</p>	

	recognised existing flooding problems (as shown on Figure 15).’		
Policy WH8: Infrastructure	<p>Replace the policy with:</p> <p>‘As appropriate to their scale, nature and location, development proposals which would generate additional journeys should include secure and screened storage space for cycles and personal vehicles, including charging points.</p> <p>Development proposals should respond positively to footpaths and bridleways, including on their safety, accessibility, and amenity. As appropriate to their scale, nature and location, development proposals should take opportunities to enhance the safety, accessibility, and amenity of footpaths and bridleways and to provide new linkages to them.</p> <p>Residential development proposals should incorporate on-site car parking proportionate to the size of dwellings.’</p>	<p>So that it incorporates the following elements:</p> <ul style="list-style-type: none"> • the inclusion of a proportionate element into part a of the policy; • the combination of the related parts b and c of the policy; • the deletion of part d of the policy which is now addressed in Part R of the Building Regulations; and • the deletion of part f of the policy which relates to highways rather than land use planning matters 	
Monitoring and Review	<p><i>At the end of Section 1.3 add:</i></p> <p><i>‘The Parish Council acknowledges that the County Council is currently preparing a new Local Plan. That Plan will revise the strategic planning context for the County. In these circumstances the Parish Council will assess the need or otherwise for the Plan to be reviewed within six months of the adoption of the emerging Rutland Local Plan.’</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.	
Other matters - General	<i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i>	Other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies.	
Other Matters – Specific	<i>Reposition ‘The Neighbourhood Plan does not seek to modify Local Plan requirements for mix and affordable housing, but to shape how housing development,</i>	To assist in the natural flow and legibility of the Plan.	

	<p><i>including affordable provision, is provided.' from the supporting text (on page 18) to an initial paragraph at the beginning of the Interpretation associated with Policy WH1.</i></p>		
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