

Edith Weston Neighbourhood Development Plan Review 2023-2041

**A report to Rutland County Council on the
review of the Edith Weston Neighbourhood
Development Plan**

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Executive Summary

- 1 I was appointed by Rutland County Council in June 2024 to carry out the independent examination of the review of the Edith Weston Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 17 July 2024.
- 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 wider countryside. It proposes the designation of a package of Local Green Spaces and allocates a site for housing development.
- 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 review of the Edith Weston Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum area should coincide with the neighbourhood area.

Andrew Ashcroft
Independent Examiner
31 October 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the review of the Edith Weston Neighbourhood Development Plan 2023-2041 (the 'Plan').
- 1.2 The Plan has been submitted to Rutland County Council (RCC) by Edith Weston Parish Council (EWPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 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, 2021 and 2023. 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 because 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. It 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 village within its wider setting in the countryside. It proposes the designation of a package of local green spaces and proposes the redevelopment of the officers' mess at St George's Barracks for housing purposes.
- 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 EWPC, to conduct the examination of the Plan and to prepare this report. I am independent of both RCC and EWPC. 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 41 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I 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 appendices of the Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the SEA/HRA Screening Report;
- the Village Assessment and Design Guidance (2022);
- EWPC'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 (December 2023);
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 17 July 2024. 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 5.15 of this report.

3.3 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as and when qualifying bodies seek to review 'made' neighbourhood plans and introduces a proportionate process to do so based on the changes proposed. There are three types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves and as follows:

- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum; or
- material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan; or
- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

3.4 It is common ground that the proposed revisions to the made Plan are so substantial and significant to warrant consideration as a change to the nature of the Plan and require both an examination and a referendum. The examination of the Plan will proceed on this basis.

Updates to the NPPF

- 3.5 The NPPF was updated in both September and December 2023. The Plan was submitted in December 2023. For clarity, I have assessed the Plan against the December 2023 version of the NPPF.

The method of examining the Plan

- 3.6 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 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, EWPC has prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. Section 3 provides specific details about the consultation process that took place on the pre-submission version of the Plan (August to October 2023).
- 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 in Section 2.2.
- 4.4 The Statement also provides details of the way in which EWPC engaged with statutory bodies.
- 4.5 Section 4 of the Statement provides details on the comments received during the consultation process for 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 helps to explain 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. From all the evidence provided to me as part of the examination, EWPC has sought to engage with residents, statutory bodies and the development industry as the Plan has been prepared.

Representations Received

- 4.7 Consultation on the submitted Plan was undertaken by RCC and ended on 10 June 2024. This exercise generated comments from the following organisations:

- Anglian Water
- British Horse Society
- Defence Industry Organisation
- Environment Agency
- Historic England
- Leicester, Leicestershire, and Rutland Integrated Care Board
- Leicestershire County Council
- National Highways
- Natural England
- Rutland County Council

- 4.8 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 parish of Edith Weston. The village of Edith Weston is approximately 6.5 miles to the southeast of Oakham and approximately 7.5 miles to the southwest of Stamford. Rutland Water provides an attractive backdrop to the northern edge of the neighbourhood area and offers extensive recreational facilities. Its population in 2021 was 1100 persons living in 380 houses. It was designated as a neighbourhood area on 21 May 2021.
- 5.2 The historic core of the village was designated as a Conservation Area in 1975. It contains several listed buildings including the Church of St Mary. Many of the properties are roofed in local materials of either thatch or the local slate (Collyweston Slate). These local building materials and roofscapes contribute to the distinct character of the area.
- 5.3 The St. George's Barracks site lies to the south and east of the village. It is currently the home of the Army Medical Services and the 1st Military Working Dog Regiment. There are planned estates on Manton Road and Pennie Drive which are purpose-built residential developments for serving military personal and their families.

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 (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 Edith Weston as one of a series of Local Service Centres. 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.'

- 5.6 The Site Allocations and Policies DPD continues the approach taken in the Core Strategy. Edith Weston has a separate Inset Map within the document (Inset 15). 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 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 had been 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. The Local Development Scheme anticipates that a revised Local Plan will be submitted in early 2025 and adopted in early 2026.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 17 July 2024. I approached the neighbourhood area from the A47 and then North Luffenham to the south and east. This helped me to understand the way in which the area sat in the wider landscape, and connected with the strategic road network. I also saw the scale and significance of the St George's Barracks to the south and east of the village.
- 5.10 I looked initially at the heart of the village and the conservation area. I saw its attractiveness and its relationship to Rutland Water to the north. I also saw the significance and popularity of the village shop.
- 5.11 I walked along Normanton Road to the Rutland Water Normanton car park. I saw the range and popularity of the various recreational facilities at Rutland Water.
- 5.12 I then looked at the proposed housing allocation at the former officers' mess at the Barracks. I saw the way in which the site related to the wider format of the village.
- 5.13 I then walked through the recreation ground and followed the footpath to Weston Road. I then looked at the planned estate off Coniston Road.
- 5.14 I looked at the various local green spaces during the visit. I noted their scale and significance.
- 5.15 I left the neighbourhood area and drove to Manton. This helped me to understand the relationship between the neighbourhood area and other settlements in the County.

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 and is proportionate to the Plan.

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;
- not breach, and otherwise be compatible with, the assimilated obligations of EU legislation (as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023; 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) published in December 2023.

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 Edith Weston 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. It proposes the allocation of the former officers' mess at St George's Barracks for residential development and the designation of a package of local green spaces. 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 for development within the settlement (SG01), and for the redevelopment of the officers' mess at St George's Barracks (SG02). In the social role, it includes a policy on local green spaces (Policy GE02). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It includes a policy on design (DH01) and on the conservation area (DH03). EWPC 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) (Amendment) 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 (June 2023). The resulting report is thorough and well-constructed. The assessment concludes that no likely significant effects will occur because of the Plan. The assessment finds many of the policies are in conformity with the policies in the Local Plan which have a full SA/SEA and which identified no likely significant effects will occur because 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)
- 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 because of the implementation of policies. It is also identified that no likely in combination significant effects will occur because of the implementation of 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 review of 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 EWPC have spent time and energy in identifying the issues and objectives that they wish to be included in the review of the 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.
- 7.5 I comment on all the policies in the Plan. 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 and 2)

- 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 clearly presented makes good use of well-selected maps. There is a very clear distinction between the policies and the supporting text.
- 7.7 The Introduction 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 also includes a map of the neighbourhood area (Figure 1) and identifies the Plan period. It includes a very effective SWOT analysis.
- 7.8 Section 2 comments about the neighbourhood area and the key issues addressed in the Plan. It also sets out the aims of the Plan.

General Comments

- 7.9 A key feature of the Plan is that the policies are arranged in a clear way. Each subject chapter comments about its purpose (what the group of policies in the chapter seeks to achieve) and the planning rationale (the thinking behind the policies in the chapter). Thereafter each policy comments about the requirements for development proposals to meet and its interpretation (how the policy should be applied in decision making). This format will help all concerned in the development management process to understand the approach taken in the policies.

Policy EW-SG01: Development within the Settlement Policy

- 7.10 This policy identifies the four Planned Limits of Development as sustainable locations for new community, housing, and employment development. The policy also supports the improvement of community facilities and sets criteria for infill within the Planned Limits of Development. It also comments about proposals which would result in the loss of community facilities.
- 7.11 In the round I am satisfied that the policy takes a robust approach and establishes a strong spatial pattern for development in the parish. In addition, the criteria in the third part are locally-distinctive. The policy has regard to national policy and is in general conformity with Policies CP2-4 of the Core Strategy.
- 7.12 I have noted RCC's comment about cul de sac development. Nevertheless, the way in which any such proposals are determined will be a matter which can be dealt with through the development management process.
- 7.13 In this broader context I recommend specific modifications so that the intentions of the policy are clearly expressed and to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. Will contribute to the delivery of each of the three dimensions of sustainable development.

In the first part of the policy replace '(see figure 2)' with '(as shown on Figure 2)'

In the second part of the policy after 'Development' add '(as shown on Figure 2)'

Replace the opening element of the third part of the policy with: 'Proposed infill development and redevelopment within the Planned Limits of Development, should meet the following requirements:'

In c replace 'must' with 'should'

At the beginning of d add 'Wherever practicable'

In the fourth part of the policy replace 'the applicant demonstrates' with 'it can be demonstrated'

In b include the final sentence in brackets immediately after the first sentence.

Policy EW-SG02: St George's Barracks Officers' Mess

- 7.14 This policy addresses new housing on a brownfield site outside but adjacent to the Planned Limits of Development on the St George's Officers' Mess Barrack site. It offers support for the redevelopment of the mess for housing development subject to proposals meeting a series of criteria. including the protection of mature trees and boundary planting, maximising cycle and pedestrian connectivity and high-quality design which complements the existing village and surrounding landscape. In April 2024 RCC resolved to grant outline planning permission subject to the completion of a planning obligation (2023/0822/OUT) for the redevelopment of the site for housing purposes.

- 7.15 In the round, the policy takes a positive approach to this site. I am satisfied that the criteria are locally-distinctive and will ensure that new development complements the character of the neighbourhood area. Whilst the policy does not directly address building materials, I am satisfied that the issue is dealt with in Policy EW-DH01 clause 6 and the interpretation.
- 7.16 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Policy EW-GE01: Natural and Green Environments

- 7.17 The policy seeks to protect natural and green environments including identified significant sensitive and designated landscapes. It also advises that opportunities for biodiversity net gain and the retention of existing trees and hedges contribute to enhancing the value of the natural environment. The policy also seeks to protect Rutland Water from any further water quality deterioration.
- 7.18 Whilst the policy overlaps with the national implementation of biodiversity net gain, the Interpretation does not comment on this matter. I recommend that biodiversity net gain is addressed in the Interpretation rather than in the policy. This will avoid the submitted Plan repeating national policy.
- 7.19 The first part of the policy addresses a series of issues and would apply to all development proposals irrespective of their scale, nature, and location. I recommend that the policy is recast to address these matters and to allow RCC to apply its provisions in a proportionate way. EWPC responded positively to this approach in its response to the clarification note. I recommend accordingly.
- 7.20 Finally, I recommend modifications to the wording of the second and fourth part of the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development. In addition, it will provide a local interpretation of Section 15 of the NPPF.

Replace the first part of the policy with: ‘Development proposals should respond positively to the area’s habitats and ecology and, as appropriate to their scale, nature and location, should take opportunities to enhance habitats and ecology within and adjacent to the site.’

In the second part of the policy replace ‘significant and adverse’ with ‘unacceptable’

Replace the fourth part of the policy with: ‘Development proposals adjacent to Rutland Water should not cause any unacceptable deterioration in the water quality of Rutland Water and, where practicable, should take opportunities to improve its quality.’

At the beginning of the Interpretation add: ‘Policy EW-GE01 has been designed to protect natural and green environments including identified significant sensitive and

designated landscapes. It complements the national approach towards biodiversity net gain as set out in the Environment Act 2021.'

Policy EW-GE02: Local Green Space

- 7.21 The policy proposes the identification of 21 Local Green Spaces (LGSs). The approach taken is underpinned by the LGS Assessment (August 2023). It assesses the proposed spaces against the criteria in the NPPF for LGS designation. They range in size and significance from Tommy's Close Recreation Area (LGS20), to the various green amenity areas (mainly in the planned estates), to the Memorial Stones open grassed area (LGS21).
- 7.22 RCC comment that the play areas and amenity open space are already safeguarded by Policy CS23 of the Core Strategy as they fall under the definition of green infrastructure in that Plan. RCC also advises that it is difficult to see what added protections designation of the land as local green space (LGS) would bring even if the sites would match the requirements of the NPPF.
- 7.23 The Defence Industry Organisation (DIO) comment that LGS 3-8, 11-16, and 21 (amenity spaces in the planned estates) should be deleted from the Plan to ensure that military activities are not restricted as there may be a need in future for the sites and surrounding land to be utilised for military purposes (including the provision of service accommodation). The DIO also advises that it is only when MoD land has been publicly identified as surplus to requirements, and not in active use, that it would be suitable for such designations to be applied. Finally, it comments that the proposed LGSs have not been identified as surplus, and therefore must not have restrictions imposed.
- 7.24 I looked carefully at the various proposed LGSs during the visit. I paid particular attention to the significance of those in the planned estates, and the way in which they related to the criteria in the NPPF. On the balance of all the evidence, I am satisfied that the various proposed LGS meet the three criteria in paragraph 106 of the NPPF. In reaching this judgement I noted the character, nature, and size of the green spaces/play areas in the planned estates. Whilst they do not perform the same role as larger LGSs (such as the Recreation Ground), I am satisfied that they are demonstrably special and hold a local significance to the local community living around the green spaces concerned.
- 7.25 In reaching this conclusion I have considered carefully RCC's point about the protection already provided to play areas and amenity open space by Core Strategy Policy CS23. The third criterion of that policy advises that proposals involving the loss of green infrastructure will not be supported unless there is no longer a need for the existing infrastructure or an alternative is provided to meet the local needs that is both accessible and of equal or greater quality and benefit to the community. On the balance of the evidence, I am satisfied that the designation of the proposed LGSs in the Plan would bring a locally-distinctive approach beyond that taken in the Core Strategy. I have reached this conclusion for two reasons. The first is that the Core Strategy (2011) predates the origin of LGSs in the initial version of the NPPF (2012) and does not take account of the national approach towards development proposals affecting LGSs (as

now set out in paragraph 107 of the NPPF). The second is that the Plan provides a level of local detail that was not practical in the Core Strategy.

- 7.26 Paragraph 105 of the NPPF also requires proposed LGSs to be assessed against two more general matters. The first is that they should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. The second is that they should be capable of enduring beyond the end of the Plan period.
- 7.27 On the first point, I am satisfied that their designation is consistent with the local planning of sustainable development and complements investment in sufficient homes, jobs, and other essential services. In reaching this conclusion I have considered carefully the comments on the policy from DIO. At this point there is no evidence that the proposed LGSs may be needed for future military use within the Plan period. In addition, should that need arise, any proposals which needed planning permission could be assessed against national guidance for the development of designated LGSs (paragraph 107 of the NPPF).
- 7.28 On the second point, the proposed LGSs are established parts of the parish, and no evidence has been presented to suggest that they are incapable of enduring beyond the end of the Plan period.
- 7.29 The policy comments that development proposals should have no adverse impact on the green character, community value, accessibility, safety, or the amenity of the LGSs. Whilst this approach is understandable, it does not have regard to the matter-of-fact approach to LGSs as set out in paragraph 107 of the NPPF. I recommend modifications both to the second part of the policy and to the Interpretation to remedy this issue. 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 second part of the policy with: ‘Development proposals within designated local green spaces will only be supported in very special circumstances.’

Replace the Interpretation with: ‘Policy EW-GE02 follows the matter-of-fact approach towards local green spaces as set out in paragraph 107 of the NPPF.’

Policy EW-DH01: Sustainable Design

- 7.30 The Plan comments that the emphasis in design policy is to support green design and walkable neighbourhoods. It also advises that the policy takes account of principles in ‘Building for a Healthy Life’. The policy also seeks to ensure development complements townscape characteristics of the area including boundary treatments.
- 7.31 RCC comments that the policy reads in a general rather than a locally-distinctive way. In its response to the clarification note, EWPC commented that:

‘Policy EW-DH01 should be read in conjunction with policy EW-DH02 and EW-DH03. Together the policies deal with general design principles (EW-DH01) and also locally specific elements of character (EW-DH02 and EW-DH03). The policies have also

taken account of the Design Guidelines mentioned, the National Design Guide 2021, and the Edith Weston design code document. So, the RCC comments appear to suggest merging EW-DH02 and EW-DH03 into EW-DH01. We think this would result in an overcomplicated and very long policy and make this very difficult to use. However, the interpretation to EW-DH01 could include an additional paragraph pointing out that it should be applied closely with EW-DH02 and EW-DH03.'

7.32 I have considered the policy and these comments very carefully. In effect the issue is more about the presentation of the details (either in this policy or elsewhere in the Plan) rather than the information contained. Taking account of all the available information, I recommend the following modifications to the policy to bring the clarity required by the NPPF and to make appropriate reference to background documents:

- a clearer reference to national and background documents in an opening element of the policy;
- a recasting of the policy so that its submitted components flow naturally from the opening element;
- the introduction of a proportionate element into the policy;
- the separation of the element of the policy about residential development into a separate section; and
- consequential modifications and updates to the supporting text.

7.33 In combination these modifications will allow RCC to be able to apply the details of the policy in a consistent way through the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development. In addition, it will provide a local interpretation of Section 12 of the NPPF.

Replace the policy with:

'Development proposals should respond positively to the contents of the National Design Guide (2021) and the Village Assessment and Design Guidance (2022) or any updates of those documents. As appropriate to their scale, nature and location, development proposals should:

- **complement local characteristics in terms of scale, massing, height, set-back from the road, and pattern of buildings and gardens;**
- **take opportunities to enhance pedestrian and cycle permeability and connectivity, including by providing links to existing public paths;**
- **provide active frontages to streets and spaces, and provide overlooking and natural surveillance;**
- **incorporate landscape and public realm as an integral part of the design and layout of development, including both garden spaces and public spaces;**
- **use high quality, durable and sustainable materials; including the use of local materials, recycled materials and green materials that complement the local context;**

- **incorporate boundary treatments (including the use of hedges and low stone walls) that complement the historic and rural character of the area;**
- **include positive design features to reduce carbon use; and**
- **avoid harmful impacts on night skies by using well-designed and sensitive lighting where lighting is required for security purposes.**

In addition, and where practicable, residential development proposals should include:

- **private gardens or shared amenity space; or**
- **balconies and/or shared amenity space for apartments; and**
- **discretely located and screened storage for bins and recycling.**

At the beginning of the Interpretation add: ‘Policy EW-DH01 provides an overarching approach towards sustainable design. It takes account of the National Design Guide (2021) and the Village Assessment and Design Guidance (2022). It acknowledges that individual proposals will have different implications for the policy based on their scale, nature, and location.’

Policy EW-DH02: Planned Estates

- 7.34 This policy looks to protect the character of the military planned estates. It includes a series of criteria which relate to the characteristics of the various estates.
- 7.35 RCC comments about the proposed LGSs within these areas. I have addressed its representation in my commentary on Policy EW-GE02 earlier in this report.
- 7.36 In the round this is a positive and well-considered policy. I am satisfied that it meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Policy EW-DH03: Edith Weston Conservation Area

- 7.37 This policy sets out to protect the townscape characteristics of the Edith Weston Conservation Area. It identifies six elements of its character which proposals should address.
- 7.38 Whilst a policy approach towards conservation areas is well-established in national and local planning policies, I am satisfied that the submitted policy brings a distinctive added value by incorporation of the six elements.
- 7.39 In this wider context I recommend that the opening element is modified so that it addresses both the character and appearance of the conservation area so that it has regard to national policy. 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 element of the policy with: ‘Development proposals in and around the Edith Weston Conservation Area (as shown on Figure 9) should preserve or enhance its character or appearance, including the following key elements of its character:’

Policy EW-DH04: Non-Designated Heritage

- 7.40 This policy offers support for proposals which would involve the conservation and re-use of three military buildings and structures.
- 7.41 The DIO objects to the policy and comments that:
- ‘The St George’s Barracks site has been assessed by Historic England on more than one occasion, with careful consideration given to the suitability of buildings for listing, with specific attention had to the J-Hangars.’*
- 7.42 I have considered this representation very carefully and looked at the decision letters produced by Historic England in declining to list the buildings concerned. This provides a useful context the significance of the three buildings/structures. Nevertheless, the policy offers support for proposals which would involve the conservation and re-use of three military buildings and structures, rather than directly identifying them as non-designated heritage assets (which in included in passing in the supporting text).
- 7.43 Plainly there is a degree of tension between the policy and the supporting text. I have considered the information about the historic significance of the three structures carefully. In this context the Plan relies heavily on the decisions made by Historic England on the proposed listing of the structures rather than produce its own information on their potential to be identified as non-designated heritage assets.
- 7.44 In the round I am satisfied that the policy has been appropriately developed. It does not require that any comprehensive proposals which may come forward for the redevelopment of the Barracks in the Plan period should retain the structures, but offers support for such an approach. However, I recommend that the wording is modified so that it comments more generally about the military structures. I also recommend consequential modifications to the supporting text and to the title of the policy.
- 7.45 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

Replace ‘war heritage’ with ‘military’

Replace the policy’s title with: ‘Military Structures in St George’s Barracks.’

Replace the first part of the Interpretation with: ‘The policy identifies seeks to retain three twentieth structures within the St George’s Barracks site should redevelopment proposals for the Barracks site come forward in the Plan period.’

In the second part of the Interpretation delete ‘already’

Policy EW-TM01: Transport and Movement

- 7.46 This policy is focused on supporting active travel and a balanced range of transport choices. It includes six related elements.

- 7.47 In its representation RCC comments that the policy overlaps with policies in Local Plan Policy SP15 section L. I have considered this matter very carefully alongside EWPC's response to the clarification note. On the balance of the evidence, I recommend that the policy is recast so that it avoids the repetition of existing policies in the Local Plan.
- 7.48 The recommended modifications also introduce appropriate wording to acknowledge that the provisions of the policy should only be applied where it is appropriate to do so. This applies specifically to the second and third parts of the recast policy. Otherwise, I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

Replace the policy with:

'1. Development proposals that would generate additional journeys should incorporate or facilitate a balanced range of transport choices, including sustainable options and active travel, proportionate to the scale and character of the scheme.

2. Where appropriate, development proposals should take opportunities to enhance facilities for pedestrians, including people with different levels of mobility, and cycle infrastructure and connections.

3. Where appropriate, development proposals should take opportunities to establish link to footpaths, including those which connect to Rutland Water.'

Replace the Interpretation with:

'The policy has been prepared to ensure that facilities for cycling and walking are incorporated within new residential developments and that they connect into the existing network.

The first part of the policy acknowledges that the delivery of sustainable transport measures will be proportionate to the scale and character of the proposed development. The second and third parts of the policy acknowledge that their provisions will only be applied where it is appropriate to do so.'

Monitoring and Review

- 7.49 Section 1.3 properly sets out the way in which the Plan would be monitored and reviewed. This is best practice. However, whilst it acknowledges changes in national and local planning policies may trigger the need for a review, it is largely silent on the potential need for the Plan to be reviewed once the emerging Local Plan has been adopted. In these circumstances, I recommend that the Plan comments that EWPC will assess 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 emerging Local Plan will be a significant stage in the development of planning policy in the County.

At the end of Section 1.3 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. In these circumstances the Parish Council will assesses the need or otherwise for a further review of the Plan within six months of the adoption of the emerging Rutland Local Plan.'

Other matters – General

- 7.50 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 because 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 because of the recommended modifications to the policies. It will be appropriate for RCC and EWPC 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 review of the Edith Weston 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 review of the Edith Weston 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 21 May 2021.
- 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
31 October 2024