

Barrowden and Wakerley Neighbourhood Development Plan 2016-2036

**A report to Rutland County Council and East
Northamptonshire District Council on the
Barrowden and Wakerley Neighbourhood
Development Plan**

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Executive Summary

- 1 I was appointed by Rutland County Council in March 2019 to carry out the independent examination of the Barrowden and Wakerley Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 5 April 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on securing good design, safeguarding green infrastructure and protecting community facilities. It proposes the designation of a Local Green Space.
- 4 The Plan has been underpinned by community support and engagement. It is clear that 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 Barrowden and Wakerley Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
18 July 2018

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Barrowden and Wakerley Neighbourhood Development Plan 2016-2036 (the 'Plan').
- 1.2 The Plan has been submitted to Rutland County Council (RCC) and to East Northamptonshire District Council (ENDC) by Barrowden Parish Council and Wakerley Parish Meeting in their joint 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) in 2012 and subsequent updates in 2018 and 2019. 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 or not 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 as a result 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. Any plan 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 two development plans in particular. It addresses a range of environmental and community issues.
- 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 sit as part of the development plans in the two administrative areas.

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 the Parish Council and the Parish Meeting, to conduct the examination of the Plan and to prepare this report. I am independent of both RCC, ENDC and the two local councils. 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 over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other 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 is submitted 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.

The Basic Conditions

- 2.5 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; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.11 of this report.

- 2.6 The Neighbourhood Plan General 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.
- 2.7 In order to comply with this requirement, RCC undertook a screening exercise on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process RCC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 2.8 RCC also prepared a parallel Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. The assessment has been produced in a similar standard to the SEA screening report. Whilst there are no designated sites within the neighbourhood area itself the screening report addressed the following nature conservation sites:
- Rutland Water SPA/RAMSAR (in Rutland);
 - Luffenham Heath Golf Course SSSI (in Rutland);
 - Wakerley Spinney SSSI (in Northamptonshire); and
 - Seaton Meadows SSSI (in Northamptonshire).
- 2.9 During the examination RCC reviewed its earlier determination on the HRA screening report to take account of the April 2018 court case *People Over Wind, Peter Sweetman and Coillte Teorante*. This case has had implications on the extent to which mitigation measures can be considered. The outcomes of this review is that RCC concluded that the earlier HRA determination remains valid and that there is no need to proceed to Appropriate Assessment.
- 2.10 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. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.11 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. 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. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

2.12 In examining the Plan I am also 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.

2.13 Having addressed the matters identified in paragraph 2.12 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan and the various associated documents;
- the Basic Conditions Statement;
- the Consultation Statement;
- the RCC SEA and HRA screening report;
- the RCC update to the HRA screening report;
- the responses to my Clarification Note;
- the representations made to the Plan;
- the joint statement from RCC and Barrowden Parish Council;
- the adopted Rutland Core Strategy DPD 2011-2026;
- the adopted Rutland Site Allocations and Policies DPD;
- the adopted North Northamptonshire Joint Core Strategy 2011-2031;
- the saved policies of the Rural North, Oundle and Thrapston Plan;
- the National Planning Policy Framework (March 2012);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 5 April 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 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. I advised RCC of this decision early in the examination process.

3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of that document sets out transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version. The 2018 version of the NPPF was subsequently updated in February 2019. However, those updates do not affect the transitional arrangements which have resulted in the submitted Plan being assessed against the 2012 version of the NPPF.

3.5 The neighbourhood area is partly in Rutland and partly in Northamptonshire. In this capacity it is an excellent example of a parish council and a parish meeting and the relevant local planning authorities working on neighbourhood planning across administrative boundaries. The examination has been managed by Rutland County Council. Where necessary in the report I refer to the County Council in general, and to its representations to the Plan in particular. Elsewhere I refer more generally to the local planning authorities where either my comments and/or recommended

modifications reflect the way in which they would be able properly to apply the Plan's policies through their respective development management process.

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 the Parish Council/Parish Meeting has prepared a Consultation Statement. The Statement is proportionate to the Plan and its policies. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (April to May 2018).
- 4.3 The Methodology section of the Statement set out details of the range of consultation events that were carried out in relation to the initial stages of the Plan. They include:
- the engagement with residents in September and October 2015;
 - the circulation of information to all households in the neighbourhood area;
 - the engagement with statutory bodies and other stakeholders (November 2016-March 2017);
 - the use of a residents' questionnaire in Spring 2016; and
 - engagement with local residents on housing, conservation and local green spaces issues in March 2017.
- 4.4 The Statement also provides specific details on the comments received as part of the consultation process that took place on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. They help to describe the evolution of the Plan.
- 4.5 It is clear 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.
- 4.6 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process.

Representations Received

- 4.7 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 18 February 2019. This exercise generated comments from a range of organisations and private individuals as follows:
- Anglian Water
 - Highways England

- East Northamptonshire District Council
- Natural England
- Environment Agency
- Wildlife Trust
- Rutland County Council

4.8 Where it is appropriate to do so I make specific references to some representations in the detailed sections of this report.

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish areas of both Barrowden and Wakerley. It was designated as a neighbourhood area on 27 April 2015. In 2011 there were 215 and 35 properties in Barrowden and Wakerley respectively. The neighbourhood area is located between the three principal local towns of Uppingham, Oakham and Stamford in attractive rolling countryside. The River Welland and its wider valley separates the two villages. The A47 runs to the immediate north of the neighbourhood area and the A43 runs to its immediate east.
- 5.2 The village of Barrowden dominates that part of the neighbourhood area to the north of the River Welland. The attractive historic core of the village is located at the junction between its principal roads in general, and around the village greens in particular. The village's main commercial and community services are located slightly to the east of the historic core off Kings Lane and Wakerley Road. It includes a wide range of attractive, traditional buildings with very distinctive vernacular building materials.
- 5.3 The village of Wakerley sits in the southern part of the neighbourhood area to the south of the River Welland and the disused railway line. It has an attractive linear format within which the buildings principally sit in large parcels of land. The area to the immediate south of the village is dominated by Wakerley Woods. This part of the neighbourhood area is managed by the Forestry Commission and is popular with both local residents and visitors alike.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area reflects the way in which it straddles the boundaries of two administrative areas. It is a combination of the adopted Rutland Core Strategy DPD 2011-2026, the adopted Rutland Site Allocations and Policies DPD, the adopted North Northamptonshire Joint Core Strategy 2011-2031 and the saved policies of the Rural North, Oundle and Thrapston Plan. In both cases the policy approach towards the neighbourhood area is one of supporting modest infill development appropriate to the character of the village concerned.
- 5.5 Policy CS4 of the Rutland Core Strategy comments that smaller service centres such as Barrowden can accommodate minor infill development on suitable sites. The submitted Plan sets out to provide local details to underpin this strategic approach.
- 5.6 Table 1 (Spatial Roles) of the North Northamptonshire Joint Core Strategy indicates the way in which smaller settlements with a dispersed settlement pattern will effectively be considered as open countryside where any new development will be limited. This approach is translated into the submitted Plan with regard to Wakerley.
- 5.7 Both local planning authorities have embarked on the preparation of new local plans. Once adopted they will replace the existing Core Strategies. Whilst both emerging

plans have been addressed in the Basic Conditions Statement the basic conditions test is against the adopted development plans. In any event neither of the emerging plans are at a sufficiently advanced stage to play any significant role in the examination of the submitted neighbourhood plan.

- 5.8 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 the two planning authority areas. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the two development plans and to give a local dimension to the delivery of their policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 5 April 2019. I drove into the neighbourhood area along the Luffenham Road from the A47. This helped me to understand its wider connectivity to the road network and its natural setting astride the River Welland. I was able to see the ridgeline to the south of the river valley.
- 5.10 I looked initially at the Barrowden recreation ground and the allotments. I saw their attractive and open setting on the edge of the village and the boundary wall that was sensitively refurbished to commemorate the Golden Jubilee in 2002. I then walked into the heart of the village. I saw the very attractive range of traditional, vernacular buildings mainly with either Collyweston stone or thatched roofs.
- 5.11 I spent some time enjoying the wider village environment around Exeter Arms, the village green and the pond. I saw the sign indicating that Barrowden was Rutland's best kept large village. On the basis of my observations as part of the visit this did not come as a surprise. I then walked down Church Lane. I saw St Peter's Church as it was being refurbished. I also saw several other very impressive buildings in their own rights and in the way in which they related to the river valley to the south.
- 5.12 I then looked at the concentration of community facilities in the eastern part of the village. I saw that the GP Surgery, the Community Shop and the Village Hall were located in a relatively concentrated area. They are clearly at the very heart of the local community
- 5.13 I then took the opportunity to look at the proposed local green space off Mill Lane and its associated footpaths.
- 5.14 I then walked to the Barrowden Mill Pond. I paused to read the very informative information boards. I then followed the footpath network through the River Welland valley, under the former railway line and into Wakerley. I saw that its character was more open than that of Barrowden and was largely linear based around a series of traditional farmsteads.

- 5.15 I walked along Main Street from Laurel Farm at the western end to St John the Baptist Church at the eastern end. In doing so I saw several fine buildings including Wakerley House and The Old Rectory.
- 5.16 I finished my visit by looking at the more outlying parts of the neighbourhood area. In particular I walked in Wakerley Woods to the south of Wakerley. This also helped me to understand the wider landscape setting in which the neighbourhood area is located. It also highlighted how organisations such as the Forestry Commission are contributing towards the wider management of the neighbourhood area.

6 The Neighbourhood Plan as a whole

- 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, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.11 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 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) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 and 2019 versions of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Barrowden and Wakerley Neighbourhood Plan:
- a plan led system- in this case the relationship between the neighbourhood plan, the adopted Rutland Core Strategy and the North Northamptonshire Joint Core Strategy;
 - 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;
 - always seeking to secure 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.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 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.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.7 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. It sets out a positive vision for the future of the Barrowden and Wakerley Neighbourhood Plan - Examiner's Report

plan area within the context of its position in the settlement hierarchy. It includes a series of policies that seek to safeguard the quality and nature of its natural and built environments and designates a local green space. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 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 (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (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.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority 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

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions - economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and employment development (Policies BW9 and 12-13 respectively). It also offers support for fibre broadband connections (Policy BW16). In the social role, it includes policies on community facilities (Policies BW14 & 15) and on housing mix and type (Policy BW10). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on development and design principles (Policy BW6), on Green Infrastructure (Policy BW5) and on local green spaces (Policy BW3). The Parish Council/Parish Meeting has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Rutland and East Northamptonshire areas in paragraphs 5.4 to 5.8 of this report.
- 6.12 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 incorporation of the recommended modifications I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plans.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the

necessary precision to meet the basic conditions.

- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes 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 Plan area. The wider community and the Parish Council/Parish Meeting have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It also includes a series of Community Aspirations which the Plan recognises cannot be delivered directly through the planning process. The Aspirations are appropriately captured in a separate appendix of the Plan (Appendix 2).
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies. The Community Aspirations are considered after the land use policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 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 sections of the Plan (Sections 1-4)

- 7.8 These introductory sections of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. The Plan is presented in a very professional way. It is colourful and makes a very effective use of tables and maps. A very clear distinction is made between its policies and the supporting text. It also draws a very clear connection between the Plan's objectives and its resultant policies. The photographs throughout the Plan are both well-chosen and of a high quality.
- 7.9 Section 1 (Introduction) provides a very clear context to the neighbourhood area and when it was designated. It identifies how the Plan was prepared, how it will fit into the wider planning system in the event that it is 'made' and what the Plan sets out to achieve. It includes a very effective and clear map of the neighbourhood area (Figure 1) in general, and which identifies the local authority boundary between Rutland and Northamptonshire in particular. It also summarises the consultation exercises

undertaken as part of the plan-making process. In this capacity it provides a useful context for the more detailed Consultation Statement.

- 7.10 Section 2 provides a very helpful and comprehensive planning policy context to the preparation of the Plan. The diagrammatic presentation of the way in which the Plan has related to the policy context in both counties in paragraph 2.7 is exemplary.
- 7.11 Section 3 provides a very helpful and visually-appealing portrait of the neighbourhood area. It helpfully does so around the headings of location and landscape, population, history, the historic environment, the housing stock, dwellings types and community and leisure facilities. These matters helpfully underpin the Plan's policies.
- 7.12 Section 4 establishes a Vision for the Plan. Its focus is on preserving and enhancing the unique and distinctive character of the villages and retaining and enhancing the rich biodiversity of the rural landscape within the Welland Valley which unites the two communities. The vision is underpinned by a series of Plan objectives.
- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy BW1: Landscape Character and important views

- 7.14 The policy sets out a strategic approach on landscape character and important views. It includes an expectation that new development would conserve and enhance the positive characteristics of the local landscape. The second part of the policy also safeguards identified important views.
- 7.15 The policy is commendably evidence-based. It is underpinned by a submitted Landscape and Character Assessment. That Assessment is a first-class document of its type.
- 7.16 The general approach taken in the policy meets the basic conditions. It is one which supports development that takes account of these important natural factors. I recommend a series of detailed modifications to the policy so that it has the clarity required by the NPPF as follows:

- in the first part of the policy qualify the 'enhance' part with 'where practicable'. This acknowledges that in most cases proposed development will be able to 'conserve' but not necessarily 'enhance' the positive features in the Character Assessment;
- in the first part of the policy qualify the scale and significance of the adverse harm - as submitted the policy could be interpreted as any adverse impact would trigger the refusal of development proposals; and
- other detailed word changes.

In the first part of the policy:

- **insert 'where practicable' before 'enhance'**
- **insert 'unacceptable' before 'adverse'**

In the second part of the policy:

- **replace ‘shall’ with ‘should’**
- **replace ‘and should use’ with ‘and incorporate’**

Policy BW2: Development within Wakerley

- 7.17 This policy applies to proposed development within Wakerley. It applies a restrictive approach based on the application of the North Northamptonshire Joint Core Strategy policies in which development will be restricted to the re-use or conversion of existing dwellings. The village does not have a settlement boundary.
- 7.18 I am satisfied that this policy is appropriate and meets the basic conditions. In particular it recognises the open nature of the village and its close and functional relationship with the surrounding countryside. It meets the basic conditions.

Policy BW3: Local Green Space in Barrowden Village

- 7.19 This policy proposes the designation of a local green space off Mill Lane in Barrowden. As paragraph 5.15 comments the parcel of land concerned creates a green corridor from Mill Lane towards Wakerley Road. A footpath runs through the parcel of land and provides access to the wider countryside beyond. The Parish Council has carried out a proportionate assessment of the relationship of the proposed local green space to the three criteria in the NPPF. I am satisfied that the site comfortably meets these important national requirements.
- 7.20 The policy itself helpfully sets out the limited circumstances where development may be supported within the designated LGS. However, in doing so it goes well beyond the matter of fact approach set out on paragraphs 76 and 78 of the NPPF. I recommend a modification to address this matter. However, I am satisfied that the constructive approach to identifying the special circumstances that may prevail for development in the identified LGS should remain within the supporting text of the policy.

Replace the second sentence of the policy with:

‘Development will only be supported within the designated Local Green Space in very special circumstances’

At the end of paragraph 5.15 add:

‘Policy BW3 applies the national approach towards the protection of identified local green spaces. The County Council will be able to determine if very special circumstances apply to any development proposals which may come forward in the Plan period. However, they are likely only to consist of proposals which are designed to enhance the special character of the designated space and which would not have an unacceptable adverse impact on the view into the countryside from Mill Lane’

Policy BW4: Sensitive areas important to Wakerley

- 7.21 This policy is an important and specific policy in relation to Wakerley. It identifies

'sensitive areas' within the village. The policy indicates that new development will be supported within the sensitive areas where it would not have an adverse impact on four matters. I am satisfied that both the Sensitive Areas and the proposed environmental controls are appropriate and distinctive to Wakerley.

- 7.22 I recommend a technical modification to the policy to qualify the scale and significance of the adverse harm - as submitted the policy could be interpreted in a way in which any adverse impact would trigger the refusal of development proposals. Otherwise it meets the basic conditions. Indeed, it is a very effective and well-written policy.

In the opening part of the policy insert 'unacceptable' between 'an' and 'adverse'

Policy BW5: Local Green Infrastructure Corridor

- 7.23 This policy is both innovative and exciting. It requires that any new development within an identified local green infrastructure corridor should include measures to enhance public access into the Corridor and to enhance its landscape, biodiversity and recreational value.

- 7.24 The Corridor is shown on Figure 7. It shows the identified Corridor within both the neighbourhood area and its wider context including that of the River Welland. Plainly a neighbourhood plan can only apply policies within its designated area. To remedy this matter, I recommend a modification which qualifies the application of the policy to that part of the green corridor within the neighbourhood area. I am satisfied that this can be achieved within the supporting text.

- 7.25 The policy itself is well-constructed. I recommend two detailed modifications so that it has the clarity required by the NPPF. In particular I recommend that the two potential enhancements are captured as 'and/or' options. In some cases, it will not be practicable for a particular development to achieve both enhancements.

In the first part of the policy:

- replace 'shall' with 'should'
- replace 'and' at the end of i. with 'and/or'

In the second part of the policy replace 'these' with 'they'

At the end of paragraph 5.19 add:

The identified Corridor sits within both the neighbourhood area and its wider context including that of the River Welland. Plainly a neighbourhood plan can only apply policies within the designated area. For the purposes of this neighbourhood plan Policy BW5 only applies to that part of the green corridor within the neighbourhood area.'

Policy BW6: Design Principles

- 7.26 This policy sits at the heart of the Plan. As paragraph 5.24 comments the policy has been designed to ensure the ongoing protection and enhancement of the distinctive and positive architectural character of the conservation areas. It is intended to be read

alongside other neighbourhood plan and Core Strategy policies. The supporting text helpfully includes a series of well-chosen photographs.

- 7.27 This is an exceptional policy which is beautifully underpinned by the supporting text and photographs. It has five parts. The first sets out an expectation for high quality design. The second identifies the key positive design elements of the two villages which new developments are expected to address and respect in a sensitive way. They include orientation of buildings, heights, roof pitches and boundary treatments. The third part relates to alterations and extensions. The fourth relates to buildings which contribute towards the character of the conservation areas. The fifth offers general support for modern innovative designs.
- 7.28 I recommend a series of recommended modifications to ensure that the policy uses correct and appropriate language. Some of the wording uses such as 'will be expected' will be challenging to apply consistently through the development management process throughout the Plan period. The fourth part of the policy reads more as a statement of intent rather than as a policy. I recommend a modification to remedy this issue. It includes extending the reference to the 'Conservation Area' to 'the conservation areas'.
- 7.29 Having reviewed all the submission documents and the representations received I am satisfied that the approach taken would meet the basic conditions with the incorporation of the recommended modifications. The two principal settlements in the neighbourhood area have the characteristics and appearances that warrant such an approach. One of the 12 core planning principles in the NPPF (paragraph 17) is '(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non- prescriptive way (paragraph 60).

In the first part of the policy

- **replace 'will be expected to' with 'should'**
- **replace 'preserve and enhance' with 'conserve or enhance'**

In the second part of the policy add 'as appropriate to the development concerned' after 'of materials'

In the fourth part of the policy:

- **inset at the beginning: 'Development proposals should retain'**

- **replace ‘Conservation Area’ with ‘conservation areas’**
- **delete ‘shall be retained’.**

Policy BW7: The local impact of construction

- 7.30 This policy addresses the local impact of construction. It has two elements. The first encourages developers to require their contractors to enter into a Code of Considerate Practice with the intention of mitigating the impact of development during its construction phase. The second indicates that conditions and obligations will be used to achieve the same effect where necessary.
- 7.31 I have sympathy for the approach set out in the policy. However, neither of its two elements are land use policies. The first is an encouragement to developers to require their contractors to sign up to a code of practice. The second is a process matter which will be a matter of judgement for each local planning authority based on the details of development proposals. On this basis I recommend the deletion of the policy.
- 7.32 I have separately considered the need or otherwise for the supporting text to be retained and/or its expansion as a result of the recommend deletion of the policy. On balance I am satisfied that the issue is sufficiently important to the local community to justify the retention of the supporting text. In addition, as submitted the text already fully addresses both elements of the submitted policy (paragraphs 5.26/27 and 5.28 respectively). As such I have concluded that there is no associated need to consolidate the submitted supporting text

Delete the policy

Policy BW8: Surface Water Flooding

- 7.33 This policy relates to surface water flooding. It has been refined during the plan-making process by comments from Anglian Water.
- 7.34 It addresses an overlapping series of issues including surface water run-off, sustainable drainage measures and ensuring that any sustainable drainage systems should offer associated benefits such as amenity value and biodiversity enhancement. The policy meets the basic conditions.

Policy BW9: Infill and backland development within Barrowden

- 7.35 This is an important policy in the wider context of the submitted Plan. It seeks to add local and distinctive value to the approach included in the Rutland Core Strategy which enables development of this nature to take place within the limits of development throughout the County.
- 7.36 The policy properly identifies a series of criteria against which any proposals for infill and backland development will be considered. It does so to good effect and takes account of the characteristics of the neighbourhood area.

- 7.37 I recommend two modifications to ensure that the policy has the clarity required by the NPPF. The modifications will also assist RCC with the delivery of its development management function. The first modifies the opening part of the policy so that it offers support for appropriate development proposals rather than attempting to grant planning permission for housing proposals. The second extends the definition of land that is important to the character of the village concerned. As submitted the second criterion refers only to garden land.

**Replace the opening part of the policy with:
‘Development proposals for the development of housing on small sites within the Planned Limits of Development for Barrowden will be supported where:’**

In the second criterion add ‘or other’ between ‘garden’ and ‘land’

Policy BW10: Dwelling Type and Size

- 7.38 This policy sets out the Plan’s intentions for the size and type of new properties. Based on Strategic Housing Market Assessment data and feedback from the consultation exercises it indicates that new dwellings should address the identified local need for homes in general, and for those with three or fewer bedrooms. A second part of the policy comments that proposals for dwellings of four or more bedrooms will be supported where there is an identifiable shortfall in such provision in the neighbourhood area.
- 7.39 RCC has made representations about the second part of the policy. It acknowledges in particular that Barrowden has significantly more large homes when compared both to Rutland and the whole of England as is demonstrated in para 3.9 of the Plan and a shortage of smaller homes. It raises concerns, however about how this part of the policy can be interpreted at the decision-making stage, as the basis or format for demonstrating a shortfall is not set out.
- 7.40 I have considered this matter very carefully. To a certain extent the second part of the policy compounds the effects of the first part. However, it does so without any compelling clarity. In particular it provides no clear guidance to either RCC or the wider development industry on how any shortfall for larger houses would be both assessed and then monitored/updated within the Plan period. On this basis I recommend that the second part of the policy is deleted and replaced, with modifications, in the supporting text. I also recommend detailed modifications to the wording of the first part of the policy.
- 7.41 Otherwise the policy meets the basic conditions. It will assist considerably in promoting the needs of younger and older persons within the neighbourhood area.

In the first part of the policy replace ‘Proposals for...shall’ with: Development proposals for new residential development will be supported where they’

Delete the second part of the policy

At the end of paragraph 5.42 add: ‘Proposals for the development of larger dwellings (four or more bedrooms) either in their own right or where they are included as part of a wider package of houses will be considered on their merits. Developers will be expected to provide information about the way in which the larger dwellings would meet defined local need for housing in general, and any shortfall of such accommodation in particular’

Policy BW11: Affordable Housing

- 7.42 This policy addresses the potential for proposals for affordable housing in the neighbourhood area. It draws attention to published policy information on this matter and to the existing affordable development in Drift Close, Barrowden.
- 7.43 Within this context the policy provides a basis on which the extension of the existing rural extension site at Drift Close should be the ‘preferred location’ for such development. However, a preference for a particular development is not a policy. This approach is continued in other parts of the policy.
- 7.44 The second part of the policy comments that any such proposals should be supported by the Parish Council after consultation with the local community. In its response to my clarification note the Parish Council commented that this aspect of the policy was one where it has sought to follow the principles set out in the Central Lincolnshire Local Plan. I have examined neighbourhood plans that have been produced within the strategic context of that Local Plan and am familiar with its contents. However, in those cases they were able to rely on a recently-adopted Local Plan produced for the relevant administrative area. Neither the Rutland Core Strategy nor the NNJCS include such a strategic policy. In this context it is beyond my remit to apply a development plan policy from another administrative area to the submitted neighbourhood plan. On this basis I recommend the deletion of this criterion. In any event the Parish Council/Parish Meeting concerned and/or local residents will be able to comment on any planning application for such development in the usual way. They would also have a reasonable expectation that the local planning authority concerned would take those comments into account.
- 7.45 I recommend a package of modifications to address these matters. Whilst they result in a new policy the basic approach of the submitted policy remains.

Replace the policy with:

‘Proposals for the development of rural exception sites for affordable housing will be supported where:

- **they otherwise meet the criteria for such development in the development plan;**
- **they produce development which meets the design principles in Policy BW6 of this Plan'**

At the end of paragraph 5.47 add:

'Policy BW11 provides a more general policy approach to this important matter.'

Policy BW12: Working from Home

- 7.46 This policy addresses the opportunity for small businesses to operate within the predominantly residential environment of the two villages. It seeks to balance the need to promote economic development on the one hand and the need to preserve residential amenity on the other hand.
- 7.47 The policy initially acknowledges that not all home working would constitute a material change of use and therefore trigger the need for the submission and the determination of a planning application. However, it does so in a rather complicated way and which does not provide the clarity required by the NPPF. I recommend modifications to remedy this matter.
- 7.48 The second part of the policy provides advice on how the local planning authority would control any such proposals through the planning process in general terms, and for any further development on the site in particular. On balance I am satisfied that these matters are appropriate to be included within a policy of this type. I recommend a specific modification on the permitted development aspect of this part of the policy. The total package of the recommended modifications takes account of the helpful responses to the clarification note.

In the first part of the policy replace the opening element with Insofar as planning permission is required proposals for working from home will be supported provided that:'

Delete II.

In the second part of the policy:

- **delete 'valued' in the opening component**
- **in I replace 'exclusion' with 'removal'**

In paragraph 5.50 insert 'valued' between 'the' and 'residential' in the fourth sentence.

Policy BW13: Bed and breakfast accommodation

- 7.49 This policy offers support to development proposals for the use of existing residential or commercial premises for bed and breakfast accommodation. It is intended to assist in the development of sustainable rural tourism. In doing so the supporting text helpfully draws attention to the wider tourism strategies that exist in both counties
- 7.50 The policy is criteria-based. The criteria address an appropriate range of environmental and parking matters. It meets the basic conditions.

- 7.51 The policy sets out a context within which proposals to redevelop or change the use of an existing community facility can be considered. It identifies two such circumstances where such a proposal would be supported. The first is where an acceptable replacement facility would be provided as part of the wider development proposal. The second is where it can be demonstrated that the facility is no longer viable and there is no reasonable prospect of securing an alternative community use.
- 7.52 Paragraph 5.53 identifies the various community facilities. Paragraph 5.55 comments about the particular circumstances affecting the village hall.
- 7.53 The policy reads slightly out of context to the relevant strategic policies on this matter (Policy CS7 of the Rutland Core Strategy and Policy 7 of the NNJCS) both of which indicate that valued community facilities should be retained unless identified exceptional circumstances arise. However, the submitted policy immediately sets out the basis on which proposals that would result in the loss of community facilities would be supported. I recommend a modification to address this matter. I also recommend a detailed modification to the second criterion. Otherwise the policy meets the basic conditions.

**Insert 'only' between 'will' and 'be'
In the second criterion of the policy delete 'satisfactorily'**

Policy BW15: The provision of new community facilities

- 7.54 This policy continues the approach taken in Policy BW14. In this case its focus is on the potential provision of new community facilities. The approach reflects comments received during the consultation stage of the Plan about the desirability of the delivery of new facilities including an all-weather surface for sports.
- 7.55 The policy has two separate parts. The first relates to proposals within the Planned Limits to Development of Barrowden. The policy identifies that this location is the preferred location for such new facilities. The second part of the policy comments about development proposals which may arise outside the limits of development. They are anticipated to come forward only in exceptional circumstances and where recreational and sports developments may be of a scale which cannot reasonably be located within the existing built up area of the village.
- 7.56 I am satisfied that the approach taken is both distinctive and appropriate to the neighbourhood area. In particular it takes a practical approach to the potentially-conflicting matters of sustainability, size of facility and residential amenity issues. However, I recommend the following series of modifications to ensure that the policy will have the clarity required by the NPPF and provide a practical guidance both to developers, community and recreational groups and RCC alike:

- clarifying in the supporting text that the starting point for any new community facility should be within the Planned Limits of Development of Barrowden unless exceptional circumstances exist;
- altering the initial section of the first part of the policy so that it uses appropriate policy language;
- altering the initial section of the second part of the policy so that it uses appropriate policy language; and
- clarifying the locational and access requirements for new facilities outside the village

Replace the opening section of the first part of the policy with:

‘Proposals for the provision of new community facilities within the Planned Limits of Development of Barrowden will be supported where they would:’

Replace II. in the second part of the policy with: ‘It is demonstrated that there is no suitable site for community facilities within the Planned Limits of Development.’

Replace the opening section of the second part of the policy with:

‘Proposals for the provision of new community facilities outside the Planned Limits of Development of Barrowden will be supported where:’

In III in the second part of the policy insert ‘is well related to the built form of the village and’ after ‘The site’

In the second part of the policy section V replace ‘with I, II and III of criterion 1 above with ‘the three criteria in the first part of the policy’

Insert the following as an additional sentence after the first sentence in Paragraph 5.58: ‘New community facilities should be provided within Barrowden. It is the main concentration of existing commercial and community facilities in the neighbourhood area. The development of new facilities will reinforce its sustainable location and will ensure that the new facilities are readily accessible by the whole community.’

Insert the following as an additional sentence at the end of Paragraph 5.58: ‘Such exceptional circumstances are addressed in the second part of Policy BW15’

Policy BW16: Fibre Broadband

- 7.57 The policy sets out a requirement for new development to provide ducting for fibre to the premises technology (FTTP) to new residential or commercial premises where it is practicable to do so.
- 7.58 I recommend the deletion of ‘from an agreed location’ in the policy. It is unclear how this part of the policy would be applied, especially if it required the co-operation of a third party or different landowner. Otherwise the policy meets the basic conditions.

Delete 'from an agreed location'

Community Aspirations

- 7.59 Appendix 2 sets out a series of Community Actions. They are not capable of being land use policies. However, they have naturally arisen out of the production of the Plan and are presented in a way which distinguishes them from the land use policies.
- 7.60 The Aspirations address the following areas:
- The protection of the conservation areas;
 - Traffic management signs;
 - The protection and enhancement of footpaths;
 - Speed management in villages;
 - Parking on roads in villages;
 - Enhancing public transport;
 - Improving transport accessibility;
 - Improving the quality of telephone, mobile and broadband services; and
 - Maintaining the provision of the surgery
- 7.61 I am satisfied that the various Aspirations are both appropriate and distinctive to the neighbourhood area.

Monitoring and Review

- 7.62 Section 6 of the Plan refers to this important matter. It addresses the different roles of the two local councils and those of the two local planning authorities. Within this context paragraph 6.1 comments that the neighbourhood plan will be monitored by the local planning authorities. This has resulted in a representation from RCC. It has also been addressed in the joint statement between Barrowden Parish Council and RCC.
- 7.63 It is encouraging that the Parish Council and the Parish Meeting recognise that the Plan will need to be monitored in the future and reviewed where necessary. Clearly a key phase in this process will be when the two emerging Local Plans are adopted. I recommend modifications to address this matter. They incorporate wording which highlights that the monitoring and review regime for a neighbourhood plan will ultimately rest with the qualifying body.

Replace the first sentence of paragraph 6.1 with:

'Whilst there is no statutory requirement to monitor a made neighbourhood plan, it is good practice to ensure that any Plan is kept up to date'

At the end of paragraph 6.1 add: 'In this context the Parish Council and the Parish Meeting will assess the need for the Plan to be reviewed either because of changes to local and/or national planning policies or within 5 years of the making of the Plan. The assessment process will begin at the point at which the first of these two circumstances

arises. The adoption of the two emerging Local Plans will be an important consideration in the local planning policy scenario'.

Other Matters (General)

- 7.64 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result 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 as a result of the recommended modifications to the policies. It will be appropriate for RCC/ENDC and the Parish Council/Parish Meeting 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.

Other Matters (Specific)

- 7.65 RCC has made some very detailed comments on the supporting text within the Plan. I recommend modifications to the Plan where they are required to ensure that it meets the basic conditions as follows:

Paragraph 5.51 - replace 1.7million with 1.8 million

Appendix 2 3a - replace Protect and enhance footpaths' with Protect and enhance public rights of way'

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 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Barrowden and Wakerley 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 and East Northamptonshire District Council that subject to the incorporation of the modifications set out in this report that the Barrowden and Wakerley 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 Plan area. In my view, the neighbourhood 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 approved by the County Council on 27 April 2015.
- 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. The responses to my Clarification Note were very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
18 July 2019