

Market Overton Neighbourhood Development Plan 2018-2036

**A report to Rutland County Council on the
Market Overton Neighbourhood Development
Plan**

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Executive Summary

- 1 I was appointed by Rutland County Council in September 2022 to carry out the independent examination of the Market Overton Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 23 September 2022.
- 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 countryside. It proposes the designation of a series of Local Green Spaces.
- 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 Market Overton Neighbourhood Development 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
11 November 2022

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Market Overton Neighbourhood Development Plan 2018-2036 (the 'Plan').
- 1.2 The Plan has been submitted to Rutland County Council (RCC) by Market Overton Parish Council (MOPC) 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 and 2021. 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 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. A 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 development plan in particular. It has a clear focus on safeguarding the location of the village within its wider setting in the countryside.
- 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 MOPC, to conduct the examination of the Plan and to prepare this report. I am independent of both RCC and MOPC. 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 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 Basic Conditions Statement;
- the Consultation Statement;
- the Screening Report;
- the Local Green Spaces Background Paper;
- MOPC's responses to the clarification note;
- RCC'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 (July 2021);
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 23 September 2022. 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 5.12 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 by written representations and 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 MOPC has prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (August to September 2021).
- 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.
- 4.4 The Statement also provides details of the way in which MOPC engaged with statutory bodies. I am satisfied that the process has been proportionate and robust.
- 4.5 Table A3 of the Statement provides details on the comments received during the consultation process associated with 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 process helps to describe 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.
- 4.7 From all the evidence provided to me as part of the examination, I am satisfied that MOPC sought to engage with local residents, statutory bodies and the development industry as the Plan has been prepared.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by RCC and ended on 15 September 2022. This exercise generated comments from the following organisations:
 - National Highways
 - Historic England
 - Natural England
 - Severn Trent
 - RCC Highways
 - Environment Agency
 - RCC Planning Policy

- 4.9 A representation was also received from a local resident.

- 4.10 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 Market Overton. Its population in 2011 was 584 persons living in 247 houses. It was designated as a neighbourhood area on 19 July 2016. The neighbourhood area is essentially rural in character with the majority of the population living within Market Overton. The village is located at a T-junction of roads leading to the villages of Teigh to the west, Thistleton to the east and Cottesmore to the south. It borders Leicestershire and the parishes of Teigh, Thistleton, Barrow and Cottesmore. The village lies approximately 5 miles west of the A1 and 6 miles north east of the county town of Oakham.
- 5.2 Market Overton is an attractive village. Its historic core is a designated conservation area. It enjoys a rich built character. There are a variety of attractive vernacular buildings in Main Street and Berrybushes. The junction of these roadways provides an attractive village green. There is an industrial estate to the north of the village and an extensive recreation area to its immediate east.
- 5.3 The remainder of the neighbourhood area is largely in agricultural use. As the Plan helpfully comments, it is positioned on the north-west edge of the Cottesmore Plateau Landscape Character area as defined in the Rutland Landscape Character Assessment. The landscape of the Plateau is characterised by arable farming and a relatively level relief with shallow, gradual undulations. In this wider context the village itself takes a prominent position on the western edge of the Plateau overlooking the Vale of Catmose landscape character area, which generally lies at markedly lower elevations. As such the village has prominent elements to its western and southern boundaries. The smaller fields of pasture and paddocks to the eastern edge of the village contrast with the more typical large-scale arable surrounds elsewhere.

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 (DPD) (adopted in October 2013).
- 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 Market Overton as one of a series of Local Service Centres which are seven of the largest villages with a range of facilities and access to public transport. 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. Whilst it allocates land for housing development in certain parts of the County it does not identify any such sites in the neighbourhood area. Market Overton has a separate Inset Map within the document. It primarily shows the Planned Limits of Development (Policy SP5) and the conservation area boundary (Policy SP20). The following other policies have been particularly influential in the preparation of the neighbourhood plan review:

- Policy SP6 Housing in the Countryside
- Policy SP7 Non-residential development in the countryside
- Policy SP9 Affordable Housing
- Policy SP14 Telecommunications and High-Speed Broadband
- 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 was 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. It is anticipated that the revised Local Plan will be submitted in Spring 2024 and adopted in Summer 2025.

Unaccompanied Visit

5.9 I visited the neighbourhood area on 23 September 2022. I approached the village from Thistleton to the south. This helped me to understand the way in which the parish sat in the wider landscape.

5.10 I looked at the historic core of the village. I saw the significance of the St Peter and St Paul Church and the Black Bull PH. I also saw the overall attractiveness of the designated conservation area in and around Main Street. I saw the fine collection of stone buildings including The Old Manor, Manortoft, Stocks Cottage Glebe Farm and The Old Hall. I also took time to see the proposed local green spaces.

- 5.11 I saw the significance of the industrial estate to the north of the village and its very attractive, long, and rural entrance access
- 5.12 I left the parish and drove via Teigh and Ashwell. This helped me to understand the relationship between the neighbourhood area and Oakham.

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. It is also proportionate to the Plan itself.

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;
- be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); 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) issued in July 2021. Paragraph 3.4 of this report comments about the way in which the Basic Conditions Statement addresses the NPPF.

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 of particular relevance to the Market Overton 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. 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. 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

- 6.11 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 on new economic development (Policies MOP 9-11). In the social role, it includes a policy on house sizes (Policy MOP1) and on community facilities (Policies MOP 12-13). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It includes policies on landscape character (Policy MOP2) and the designation of local green spaces (Policy MOP4). MOPC 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 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.
- 6.15 In order to comply with this requirement RCC prepared a Screening Assessment for the Plan (March 2022). The resulting report is thorough and well-constructed. The Assessment finds that no likely significant effects will occur as a result of the preparation of the Plan. The Assessment comments many of the policies are in conformity with the local plan policies which have a full SA/SEA and which identified no likely significant effects will occur as a result 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) which is the only international designated site within a 15km radius of the boundary of the neighbourhood area
- 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 as a result of the implementation of policies. It is also identified that no likely in combination significant effects will occur as a result of the implementation of the Plan. In this context the Assessment concludes that a full HRA does not need to be undertaken for 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 European obligations.

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. On the basis of 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 Plan. In particular, 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 MOPC 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 (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It does however include a series of non-land use Community Aspirations.
- 7.5 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 1-5)

- 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 presented in a professional way. It makes very effective use of well-selected maps. There is a very clear distinction between the policies and the supporting text.
- 7.7 The Introduction (Section 2) 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. This part of the Plan also includes a map of the neighbourhood area (Map 1) and defines the Plan period. It also sets out the way in which MOPC engaged with the wider community. It has a healthy overlap with the submitted Consultation Statement. In general terms it is a very effective introduction to a neighbourhood plan.
- 7.8 Section 3 comments about the basic conditions and how the Plan has been prepared to meet this important statutory requirement.
- 7.9 Section 4 provides a range of information on the neighbourhood area. It does so to very good effect and provides a context to several of the policies in the Plan.
- 7.10 Section 2 sets out the vision and the key of the Plan. The vision is:

'Market Overton will be a thriving village community. It will have housing, facilities, services and facilities to meet the evolving needs of all ages, remaining sensitive to the village's unique and distinct character. It will retain an aesthetically pleasing physical environment, which is sustainably maintained, and will have enhanced access to the natural environment.'

A key strength of the Plan is the way in which the objectives provide a structure for the Plan and the resulting policies. This is very helpfully captured in Table 2.

- 7.11 The remainder of this section of the report addresses each policy in turn in the context set out in paragraph 7.5 of this report.

Policy MOP1 Dwelling sizes and types

- 7.12 This policy seeks to ensure that house sizes and types respond positively to local housing needs. It seeks to secure smaller houses and to meet the needs of older people or those with limited mobility in particular. I recommend detailed modifications to the wording used in the first three parts of the policy so that they can be used practically in the development management process. Otherwise, these elements of the policy meet the basic conditions and will assist in the delivery of the social dimension of sustainable development.
- 7.13 The fourth part of the policy comments about the appropriateness of new housing proposals contributing to the health needs which arise from their development. I sought advice from MOPC on the reasoning behind this element of the policy and have taken its responses into account. On the balance of the evidence, I recommend that this part of the policy is deleted. As submitted the approach taken in the Plan fails to provide the clarity required for a development plan policy – it offers no guidance on the level of contributions required or how the funding received would be applied.

In the first element of the policy replace ‘will be approved where’ with ‘should include’.

In the second element of the policy replace ‘will be required to’ with ‘should’.

In the third element of the policy replace ‘approved’ with ‘supported’.

Delete the fourth element of the policy.

Policy MOP2 Landscape Character

- 7.14 This policy comments about three related matters as follows:
- the relationship between development proposals and the characteristics and features of the local landscape outlined in the Rutland Landscape Character Assessment, the Landscape Sensitivity and Capacity Study and the Market Overton Character and Landscape Assessment;
 - the identified important views to the village of Market Overton (as shown on Map 5); and
 - the way in which development proposals should minimise any adverse impact on the landscape.

- 7.15 The policy takes a positive approach to these matters. The individual components of the policy properly reflect the character of the neighbourhood area. In particular I am satisfied that the identified important views properly capture key elements of the local landscape and its interaction with the village.
- 7.16 I recommended detailed modifications to the elements of the policy so that they will have the clarity required by the NPPF and be able to be applied consistently through the development management process. In relation to the first element, I recommend that the policy is worded so that it can be applied in a proportionate way. Plainly different proposals will have different impacts on the landscape. Otherwise, the policy meets the basic conditions. It will contribute significantly to the delivery of the environmental dimension of sustainable development.

In the first part of the policy replace ‘Proposals for.... where they’ with ‘As appropriate to their scale, nature and location development proposals should’.

In the second part of the policy replace ‘Proposals will be approved where they’ with ‘Development proposals should’.

In the third part of the policy replace ‘approved’ with ‘supported’.

Policy MOP3 Development of a green infrastructure network

- 7.17 This policy comments about opportunities to develop corridors linking existing green infrastructure features. As the Plan comments green infrastructure corridors can provide opportunities for sustainable movement, principally by foot, from the village into the countryside and can help to deliver a range of other benefits related to the natural environment including biodiversity conservation and enhancement, health and wellbeing and climate change mitigation.
- 7.18 The features identified in the Plan are an intrinsic part of the historic character of the parish and include a Woodwell Head Meadow Local Wildlife Site, several areas of woodland, the disused Oakham Canal, the former quarries, and the public rights of way network, including the Rutland Round long-distance public footpath located along the northern boundary of the parish.
- 7.19 In general terms the policy takes a positive approach to this important matter. It matches practical reality with an appropriate degree of local ambition.
- 7.20 I recommended detailed modifications to the elements of the policy so that they will have the clarity required by the NPPF and be able to be applied consistently through the development management process. Otherwise, the policy meets the basic conditions. It will contribute significantly to the delivery of the environmental dimension of sustainable development.

In the first part of the policy replace ‘approved’ with ‘supported’.

In the second part of the policy replace ‘Where feasible proposals shall’ with ‘As appropriate to their scale, nature and location development proposals should’

Policy MOP4 Local Green Spaces

- 7.21 The policy proposes that the following areas identified on Map 7 are designated as Local Green Space (LGS):
- The Fishing Lake, Pinfold Lane;
 - The Church burial ground, Teigh Road;
 - The Cricket Ground, Thistleton Road;
 - The Pinfold, Pinfold Lane;
 - The Bowling Green, Bowling Green Lane; and
 - The Children's Play Area, within north-east section of The Lodge Estate, Main Street.
- 7.22 The proposed LGSs reflect the character and the nature of the parish and the way in which green spaces form important parts of the local environment. In most cases, they are either traditional open recreation areas or incidental green spaces within the built-up elements of the parish. The policy is underpinned by the excellent Local Green Spaces Background Paper. It provides detailed commentary on the way in which MOPC considers that the various proposed LGSs meet the criteria for such designation in the NPPF. I looked at the proposed LGSs when I visited the neighbourhood area.
- 7.23 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGSs comply with the three tests in the NPPF. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy.
- 7.24 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.
- 7.25 The policy then sets out the policy which will apply to the proposed LGS. It seeks to follow the approach taken on paragraph 103 of the NPPF. I recommend that the approach is simplified so that it takes the matter-of-fact approach as set out in the NPPF.
- 7.26 I also recommend that the supporting text is expanded so that it sets out the way in which development proposals affecting the designated LGSs would be assessed on a case-by-case basis by RCC. In particular RCC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy. This would provide the type of approach which the submitted policy sought to achieve.

- 7.27 Otherwise the policy meets the basic conditions. It will do much to contribute to the delivery of the environmental and the social dimensions of sustainable development. In many cases the proposed LGS help to define the character of the neighbourhood area.

Replace the final element of the policy with:

‘Development proposals within the designated local green spaces will only be supported in very special circumstances’

At the end of paragraph 6.3.12 add: ‘Policy MOP4 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the County Council. In particular, it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy’

Policy MOP5 Design

- 7.28 The policy seeks to ensure that development proposals, including extensions, shall be of a high quality. It is impressively underpinned by the excellent Market Overton Character and Landscape Assessment.
- 7.29 The second part of the policy sets out a series of detailed design criteria.
- 7.30 In the round the policy sets out a positive local approach to Section 12 of the NPPF.
- 7.31 I recommend a series of recommended modifications to bring the clarity required by the NPPF and to ensure that the policy can be applied consistently through the Plan period. Otherwise, the policy meets the basic conditions. It will do much to contribute to the delivery of the environmental dimension of sustainable development.

Replace the first part of the policy with: ‘Development proposals should be of a high quality and respond positively to the distinctive characteristics described in the Market Overton Character and Landscape Assessment.’

In 3 replace ‘adverse’ with ‘unacceptable’.

In 4 delete ‘irrespective of whether or not the building is statutorily listed’.

In 5 replace ‘approved’ with ‘supported’.

Policy MOP6 Residential amenity and traffic management

- 7.32 This policy sets out a series of amenity criteria for new residential development. It also includes guidance on car parking standards.
- 7.33 In general terms the policy takes an appropriate approach which meets the basic conditions. However, I recommended detailed modifications to the elements of the policy so that they will have the clarity required by the NPPF and be able to be applied consistently through the development management process. I recommend that the

second part of the policy is reconfigured so that it takes a positive rather than a negative approach. Within this context its overall effect will remain unchanged.

In the first part of the policy replace ‘approved’ with ‘supported’.

In the first part of the policy (II) replace ‘adverse’ with ‘unacceptable’.

Replace the second part of the policy with: ‘Development proposals, including extensions, should deliver appropriate parking provision to meet the most up to date adopted parking standards of the County Council.’

Policy MOP7 Natural features and landscape

- 7.34 This policy comments that developments will be expected to maintain, enhance, restore or add to biodiversity, retaining existing natural features, and shall include suitable measures to protect such features from damage, destruction or deterioration in quality. It also comments that opportunities should be taken to achieve positive gain through the form and design of the development.
- 7.35 In the round the policy sets out a positive local approach to Section 15 of the NPPF.
- 7.36 I recommend a series of recommended modifications to bring the clarity required by the NPPF and to ensure that the policy can be applied consistently through the Plan period. In this context I recommend that the policy is modified in a way which would allow it to be applied proportionately. In particular I recommend that the second part of the policy is deleted and repositioned (with amendments) into the supporting text. Its approach is more about the application of the policy rather than policy in its own right. Otherwise, the policy meets the basic conditions. It will do much to contribute to the delivery of the environmental dimension of sustainable development.

Replace the policy with:

‘As appropriate to their scale, nature and location developments proposals should maintain, enhance, restore or add to biodiversity, whilst retaining existing natural features, and should include suitable measures to protect such features from damage, destruction or deterioration in quality. Where it is practicable to do so, development proposals should take opportunities to achieve positive gain through their form, layout and design.

Where necessary, development proposals should incorporate additional landscape works to soften the visual impact of the development and/or enhance existing natural features. New trees and hedgerows provided shall be of native species and of a potential height and spread appropriate to their location.

Proposals for housing should incorporate a minimum of one tree within the curtilage of each new dwelling. Should this not be practicable, a tree should be planted in a suitable location within the village boundary.’

At the end of paragraph 6.3.26 add: ‘Policy MOP7 sets out the Plan’s approach to these important matters. In circumstances where a development proposal would result

in the unavoidable loss of a natural feature of importance which is outweighed by the wider benefit of the development, any granting of planning permission should require the replacement of the natural feature or, in the case of the removal of a tree, the planting of two replacement trees within the parish.'

Policy MOP8 Surface Water Flooding

- 7.37 This policy includes a range of practical guidance on avoiding surface water flooding. It has a sharp focus on the use of sustainable drainage systems.
- 7.38 The policy takes a positive approach to this matter. I recommend a series of recommended modifications to bring the clarity required by the NPPF and to ensure that the policy can be applied consistently through the Plan period. In this context I recommend that the policy is modified in a way which would allow it to be applied proportionately. Otherwise, the policy meets the basic conditions. It will do much to contribute to the delivery of the environmental and social dimensions of sustainable development.

Replace the opening element of the policy with: 'As appropriate to their scale, nature and location development proposals should be designed to avoid increasing flood risk elsewhere and should:'

Policy MOP9 Market Overton Industrial Estate

- 7.39 This policy sets out a positive approach towards new or extended commercial development on the Industrial Estate. I looked at the Estate during the visit. I saw its attractive and rural approach road.
- 7.40 I recommend the deletion of the unnecessary first criterion in the policy and a series of detailed modifications to bring the clarity required by the NPPF and to ensure that the policy can be applied consistently through the Plan period. Otherwise, the policy meets the basic conditions. It will do much to contribute to the delivery of the economic dimension of sustainable development.

In the opening element of the policy replace 'approved' with 'supported'.

Delete the first criterion.

In the second criterion replace 'significantly adverse' with 'unacceptable'.

In the fourth criterion replace 'adverse' with 'unacceptable'.

Policy MOP10 Working from home

- 7.41 This policy offers support to proposals for working from home where they meet certain criteria.
- 7.42 It takes an appropriate approach to this matter and acknowledges that not all such proposals would need planning permission. I have concluded that the second part of the policy is supporting text rather than policy in its own right. In these circumstances

I recommend that it is deleted from the policy and repositioned into the supporting text. Otherwise, the policy meets the basic conditions. It will do much to contribute to the delivery of the economic dimension of sustainable development.

In the first part of the policy replace ‘approved’ with ‘supported’.

In the two criteria replace ‘significant’ with ‘unacceptable’.

Delete the second part of the policy.

At the end of paragraph 6.4.5 add:

‘Policy MOP10 sets out the Plan’s position on this matter. Where appropriate, planning conditions and obligations will be used to manage any aspects of the business activity likely to adversely affect the residential character or amenity of the area including the removal of permitted development rights for further buildings or structures; the scale, intensity and type of activity, including vehicular movements and hours of operation; and ensuring the provision of adequate on-site arrangements for the parking and/or storing of vehicles, equipment and materials.’

Policy MOP11 Fibre to the premises

- 7.43 This policy celebrates the importance of good electronic connectivity. It requires that development proposals provide evidence of sufficient ducting space for future digital full fibre connecting infrastructure.
- 7.44 In its response to the clarification note MOPC acknowledged that full-fibre broadband is unlikely to be delivered in the village for some considerable time and therefore suggested that the policy should be revised to support the provision of high-speed broadband. I am satisfied that this proposition is both practicable and meets the basic conditions. I recommend accordingly.

Replace the policy with: ‘Development proposals for new dwellings and commercial development should make provision for the delivery of high-speed broadband to the premises concerned.’

Replace the title of the policy with ‘High-Speed Broadband’

Delete the final three sentences in paragraph 6.4.7.

Policy MOP12 The retention of community facilities

- 7.45 This policy comments that proposals to redevelop or change the use of an existing community facility, or land or buildings last used as a community facility, will only be approved if there is no longer a need or demand for the existing facility and where the following criteria is met.
- 7.46 The policy takes a positive approach to this matter and celebrates the importance of community facilities in the parish. The criteria in the policy acknowledge that some replacement facilities may come forward in the Plan period and that the commercial viability of other facilities may alter within the same period.

- 7.47 I recommend two detailed modifications to bring the clarity required by the NPPF and to ensure that the policy can be applied consistently through the Plan period. Otherwise, the policy meets the basic conditions. It will do much to contribute to the delivery of the social dimension of sustainable development.

In the opening element of the policy replace ‘approved’ with ‘supported’ and ‘is met’ with ‘are met’

Policy MOP13 The provision of new community facilities

- 7.48 This policy continues the approach taken in Policy MOP12. In this case it sets out support for new community facilities both within and outside the Planned Limits to Development subject to a series of criteria.

- 7.49 I am satisfied that the policy takes an appropriately-positive approach to the potential provision of new community facilities. I recommend a series of recommended modifications to bring the clarity required by the NPPF and to ensure that the policy can be applied consistently through the Plan period. In particular the recommended modification to the second criterion of the first part of the policy generates a positive approach to the need for on-site car parking. Otherwise, the policy meets the basic conditions. It will do much to contribute to the delivery of the social dimension of sustainable development.

In the both parts of the policy replace ‘approved’ with ‘supported’

In the first part of the policy replace the second criterion with: ‘Will provide appropriate on-site car parking’

In the third criterion of the first part of the policy delete ‘only’

Community Aspirations

- 7.50 The Plan identifies a series of Community Aspirations. They are non-land use issues which have naturally arisen as the Plan has been produced. They are included in a separate part of the Plan as advised in national policy guidance.

- 7.51 The Aspirations are as follows:

- Road Safety.
- Parking and grass verges.
- Improving the look of the village.
- The rural environment.
- Sustainability.
- Children’s services/facilities.
- Services/facilities for the older community.
- Village assets.
- Allotments.

- Environmental.

7.52 I am satisfied that the Aspirations are appropriate to the neighbourhood area and take account of its distinctive character. The Plan helpfully aligns the delivery of the Aspirations to the local apportionment of the Community Infrastructure levy process in the County.

Monitoring and Review

7.53 Section 7 properly sets out the way in which the Plan would be monitored and reviewed. This is best practice. It identifies that the wider development plan is evolving on a regular basis and that any neighbourhood plan can quickly become out of date.

7.54 I recommend a modification to this part of the Plan ensure that MOPC assesses the need or otherwise for the Plan to be reviewed within six months of the adoption of the emerging Rutland Local Plan. The adoption of that Plan will be a significant stage in the development of planning policy in the County.

At the end of paragraph 7.2 add:

'In particular the Parish Council will assess the need or otherwise for a review of the Plan within six months of the adoption of the Rutland Local Plan or January 2027 (whichever date is first). Thereafter the need or otherwise for the Plan to be reviewed will be assessed every five years.'

Other matters - General

7.55 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 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 and MOPC 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

7.56 RCC has made a series of detailed comments on the Plan. They have been very helpful as part of the wider examination process. Where they are necessary to ensure that the Plan meets the basic conditions and relate to a specific policy, I have incorporated them into the recommendation modifications on a policy-by-policy basis in this report.

7.57 I set out below a schedule of more general modifications which relate to the RCC comments and which are necessary to ensure that the Plan meets the basic conditions:

In the Glossary of the Plan the reference to 'Starter Homes' should be removed as this approach is no longer supported by Government. Similarly, a reference to 'First Homes'

- which are in the relevant Written Ministerial Statement and national Planning Practice Guidance - should be added.

In paragraph 6.2.1:

- *Insert 'The Rutland Local Plan was withdrawn in September 2021.'*
- *Clarify that the Rutland Design Guidelines are a supplementary planning document.*
- *Replace 'where smaller scale growth will be provided through allocated sites,' to 'Where a level of growth can be accommodated through small scale allocated sites'*

In paragraph 6.2.2 add the missing words so that it reads: 'The responses received to the Neighbourhood Plan Questionnaire.'

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 the independent examination of the Plan, I have concluded that the Market Overton 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 Market Overton 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 19 July 2016.
- 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
11 November 2022