

Rutland Local Plan – Preferred Options Consultation November 2023

CPRE Rutland Response with Executive Summary

Introduction

This response to the Rutland Local Plan Preferred Options Public Consultation November 2023 has been approved by the Trustees of CPRE Rutland, the countryside charity, and prepared by a multi disciplinary task group of Rutlanders with service in the fields of public and private sector planning, neighbourhood planning, local government at both parish and principal authority level, the military and the commercial sector. In the interests of transparency and community engagement, a draft was also submitted to all parish meetings, parish councils and town councils in the county to ensure its contents reflect the majority views of civic society in Rutland and the independent views of those parishes which were able to submit a written response to the consultation in the time made available by the county council.

The charity acknowledges the tremendous budgetary, staffing, governance, timeline, technical and legal challenges presented to the county council in having to meet its statutory obligation to deliver an approved Local Plan. It notes the extensive use of consultants in preparing the evidence base for this draft plan. It also notes the direction of travel of government planning policy embodied in the updated NPPF published in December 2023 which Trustees believe is significant for those colleagues at Rutland County Council charged with delivering a new Local Plan that has widespread public support.

Concerns about the electronic character and construct of the consultation process on the draft plan has necessitated this extended written response. It is not possible to submit all that needs to be said using the 100 word restriction on the county council's consultation website. This response is, of necessity therefore, submitted in letter format delivered electronically, and by hand, to the planning department and the Chief Executive of the County Council.

Executive Summary

- a) CPRE has significant concerns about the format, character, content and time frame of the consultation process and there is lack of effective referencing in the document.
- b) The Plan's 'Vision' is poorly written and seemingly starting from Rutland being in need of remedial measures!
- c) Housing numbers are not fully explained and it is not clear that they tie up with population projections, which are significantly different to those in the previous plan.
- d) Where is the Spatial Strategy itself? It is currently presented just as a set of policies. Does it adequately address the use of land other than for development? There is a need to provide the link from the 'Vision' to the proposed policies.
- e) There is a need to address the impact of developments in neighbouring areas, both on and by this plan (outlined in Chapter 2). Also, how the draft integrates with other plans – health, education, transport, etc., both Rutland's and in neighbouring authorities.
- f) There is a need to address the implications on the use and efficacy of existing infrastructure as new developments are introduced and the draft needs a section to explain how the plan will be implemented, monitored and enforced, with the limited resources available to RCC.
- g) The presentation of policies is generally much improved over the previously withdrawn plan but justification for rejecting alternative policies is often thin, and overall, the draft plan is marred by spelling mistakes, typos and punctuation shortfalls. Also the lack of clarity in many of the plan's policies is likely to present difficulties for Development Control if they are not made more precise.
- h) **CPRE objects to Policies CC8, SS1, EN1, EN3, EN5, EN8 and EN12 as currently drafted and seeks amendment to a number of others.**
- i) **It is thought that the scale of possible changes to the plan from this consultation might necessitate a further stage at this level prior to the Regulation 19 consultation.**

Rutland Local Plan – Preferred Options Consultation November 2023

The CPRE Rutland Response

The Consultation Process

The Local Plan will need wide community support for its acceptance and therefore ease of consultation for the community (of such a large and complex document) is essential. The work, effort and time required for any member of the community to attempt a meaningful review of the Plan as it is currently presented, however, is likely to deter the many in the community from making a significant contribution to the consultation. CPRE Rutland considers that the consultation process is far too restrictive, and that there is a significant risk of failure at examination as a result.

Hard copies of the Plan should have been made available at least to each Parish so that a meaningful response to the document could be made. This would enable all members of the community to appraise themselves more readily of the content; not everyone has access to the internet or to a library. An executive summary should also have been made available to assist in signposting important issues in the Plan and to assist respondents in making best use of the time available for responses. Reviewing such a large and complex document on a screen, furthermore, presents significant difficulties and can, in itself, act to deter a comprehensive assessment. Reviewing the accompanying maps on a screen exacerbates the challenges still further.

The consultation in 2022 on the Issues and Options paper yielded a range of comments from the community (as set out on the Council's web-site). Many of these comments were of a fairly substantial nature and would have been expected to influence the current draft of the Plan. Unfortunately, there is no clear way to check that such comments have been effectively taken into account; against many, the Council's response has been simply 'noted', or consists of a broadly relevant but standard set of words. Such responses offer little confidence that the comments have really influenced the corresponding policy development or, indeed, that comments on future plans will have any real influence either.

The consultation timetable is not friendly to parishes or other local groups, such as CPRE, given the size of the analytic task and the probable need to create a working party. As the Council's timetable appears to suggest that this will be the only realistic opportunity for substantive comments to be made on the Plan prior to the Regulation 19 consultation, a much longer period should be allowed. Indeed, it is difficult to escape the impression that the development process for the Local Plan is being driven principally by the pressure of time rather than by the need to create a plan which will serve and be accepted by the community for the future.

CPRE Rutland believes that much wider, informal consultation should have been carried out prior to this formal issue, in order that community views could be properly understood and incorporated, leading to a much greater consensus on the content of the plan being achieved at this stage. Such wider engagement would also have helped to reduce the pressure now evident for a longer consultation period at this stage. The process of developing the 'Shared Vision for Rutland' in 2021 was based largely on community engagement and represents a very good model for the development of important plans for the county. In her foreword, the Council Leader states that this version of the plan contains initial proposals, and acknowledges that there may be changes in the light of comments received. It is also clear, as noted at various places in the text, that there are several significant omissions from the draft Plan at present; opportunity must be provided for consultation on these aspects once they are included.

A single round of public consultation on such an important document therefore seems far from adequate; it is anticipated that significant changes will need to be made to address the scale of comments likely to be received in the current consultation, and that a further consultation prior to the Regulation 19 version will be required to ensure an appropriate degree of alignment with community views. It will also be important to take account of the recent revision to the NPPF (December 2023), with which the adopted plan will need to be compliant (cf para 230 of the NPPF). This

may necessitate further changes to the current draft. The Regulation 19 plan cannot include new policies or other relevant information that has not been subject to earlier and proper public consultation.

Unfortunately, this current consultation on the Regulation 18 Local Plan falls well short of the basic requirements for an effective public consultation and the Plan may well fail at the public examination as a result.

Statement of Community Involvement

According to the Council's latest Statement of Community Involvement (revised April 2022) (SCI) Stage 1 of the preparation of the Local Plan (Regulation 18) (set out in para 2.3) will involve the community through:

- i) Collecting evidence through various sources and publicise at an appropriate early stage in the process
- ii) Notify and work with groups, organisations and residents
- iii) Consider issues and alternatives
- iv) Prepare content of draft document and provide feedback where possible.

Para 3.18 of the SCI states: 'At an early stage, it is important to involve the local community in the preparation of planning policy documents. This is essential to achieve local ownership of the planning policies for Rutland.'

Table 1 in Section 4 lists a range of different potential consultation methods, including public exhibitions, webinars and summary leaflets.

There seems to be little evidence that the SCI has been fully followed in these and other ways in developing the draft plan to date.

Overview

CPRE Rutland welcomes the emphasis on environmental issues, but the value of the Local Plan has to be judged by the clarity and consistency of all planning policies. It is of prime importance that all planning policies contain clear guidance as to what degree of development is and is not acceptable, and this should include principles to enable a clear determination to be made of whether a proposed development is acceptable or not. The environment should be at the heart of the document. Integration with other plans – health, education, transport, etc., both Rutland's and its neighbouring authorities – should be brought out more clearly.

Most of the policies are presented (including environmental and climate change policies) with a presumption in favour of development and with vague and subjective lists of caveats which are undefined and open to a range of different interpretations within which development will be permitted. Justification for rejecting alternative policies is often thin.

There should be an explanation of how the plan will be implemented, monitored and enforced; how, for instance, is progress towards net zero to be measured?

There is no clear relationship between the Vision and the objectives. An explanation of the overarching strategy is required, showing how the Council believes land use should be apportioned across the many, often competing, demands, how the transport infrastructure will need to be updated to service those uses and what the overall approach to development should be. From this strategy, it should then be possible to articulate the policies which will deliver the Vision.

There is a degree of uncertainty regarding some of the larger housing sites which should be clarified as part of the spatial strategy. There is also a considerable lack of clarity around the housing numbers and their relationship to the population projections. Reliable population statistics are key to the plan but their provenance is not specified; the figures may well need to be updated in any case to take account of more up to date census results.

The implications on the use and efficacy of existing infrastructure as new developments are introduced should be addressed. The proposed Infrastructure Development Plan may address this but needs to be made available as part of this consultation.

The various documents referenced in the Plan, particularly the NPPF, are not specifically identified by paragraph number, nor is their significance to Development Control explained. Similarly, the sections headed 'What you told us about the policy' often do not indicate where the information has come from, while in many other instances, they do not indicate anything much at all. It is important that full cross references are included for clarity and precision.

CPRE Rutland believes that the scale of possible changes to the plan from this consultation will necessitate a further stage of consultation at this level prior to the Regulation 19 consultation in order to ensure adequate community buy-in to the proposed policies.

Chapter Two – Spatial Portrait

At the outset there is no analysis of population data. With the benefit of the 2021 Census, some sort of demographic account would have been expected.

Population figures seem to have increased markedly since the last (draft) plan, in 2020. The population is projected now to rise to 45,038 by 2036 and 46,100 by 2041, against 41,700 and 42,200 respectively in those years from the previous plan, although the source of these projections - the 2021 Census results perhaps - is not stated. So, a roughly 6% rise forecast in the 2020 plan has now become an increase of over 11%. This will clearly have implications in many areas and must be fully explained. These figures should feed into the justification/requirement for extra housing, infrastructure, etc.

We are told that 36% of the population is retired and that by the end of the plan period 30% will be aged 80+. Again, what is the source of these statistics and what are the implications? Where will the residential homes/serviced apartments be located? If we need affordable homes for the less well off, then we also need bungalows and small serviced apartments. The implications in terms of medical care and transport for the elderly are glossed over in this plan when they should be central to the vision and policies for caring for our population.

The population projections are clearly fundamental to planning for the future of the county and for any new developments needed. Full explanations and justifications for the figures are therefore essential to ensure that the right housing is provided in the right timescales.

Chapter Three - Vision and Objectives

The first paragraph is unclear. The section headed 'Why are the Vision and Strategic Objectives needed?' should be moved to a position before the vision itself to improve the flow of the narrative.

The Vision statement reads almost as if the Plan is intended to build up from a pretty low base; it needs to be more positive about where we are now and how we hope to move on from there. It would probably also be useful to set out how the various policies and objectives will contribute to achieving the vision – see comments below against the Spatial Strategy Chapter.

Policy SO1 – This should also include a bullet on waste management/recycling and also mention the need to minimise demolition, etc. in developments.

Policy SO3 – add '...the right houses in the right places' or some such qualification.

Policy SO8 - an explanation of 'landscape connectivity' would be helpful.

Policy SO10 – surely it is not just new development that must be supported by appropriate infrastructure, but all aspects of life in the county (economy and business, recreation, health, education, etc.) as the population grows and evolves.

The Strategic Objectives need to be expanded to cover:

- i) Healthcare and well-being, physical, mental or spiritual
- ii) Protecting open countryside and preserving our rural environment
- iii) Need to co-ordinate the use of available space and prevent unnecessary and unwelcome urban sprawl
- iv) Matching additional developments, both residential and commercial, with projected population changes
- v) Cooperation with adjoining regions.

Chapter Four – Climate Change

Policy CC2 – There should be more emphasis on the standards required for effective insulation of new buildings and a requirement to include renewable energy features, including solar panels, heat pumps and the like, unless good reason not to can be demonstrated.

Policy CC5 – This is an important and welcome inclusion.

Policy CC6 – Is this just for new residential buildings or should it apply equally to commercial developments? It should also address waste water disposal.

Policy CC7 – It is accepted that current government policy on EPCs is as reflected here, but it is also the case that EPCs in practice relate more to energy cost than energy performance, such that some changes or new measures recommended to improve energy performance actually have the effect of making the EPC rating worse. There is talk of reviewing EPCs and the plan should perhaps note this possible future revision and not place too much reliance on the current EPC regime.

Policy CC8 – There needs to be much stronger restraint on the use of land for renewable energy installations, in particular solar panels. There are already proposals for solar farms in Rutland which would cover far more than the Government's target for the use of land for this purpose; there must be some practical limit imposed and measures to ensure that Best and Most Versatile land remains available for agricultural purposes.

Reference is made to the installation on existing roofs. Consideration must also be given to requiring solar panels to be fitted on all new buildings, not just residential, unless there is good reason not to.

The introduction includes heat pumps in the list of possible technologies, but there seems to be no mention of these at all in the policy itself. The Council's policy on heat pumps should be made clear.

Under 'Additional matters for wind-based energy proposals', what are 'criteria (i)-(iii)'? Also the charity has concerns about how the phrase “Single small to medium wind turbines will be in principle be supported throughout Rutland” will be interpreted.

A comprehensive Supplementary Planning Document (SPD) to support development control of solar energy installations is required as part of the Local Plan and should be subject to consultation before the Regulation 18 consultation can be considered complete. Similarly, the Wind Turbines SPD from November 2012 needs to be fully revised and consulted upon in order to ensure effective protection for the landscape of the county with respect to the location of any associated developments.

CPRE Rutland objects to this policy as currently drafted.

Policy CC11/12 – Is there a requirement for some form of Carbon Sink Net Gain approach? Otherwise, how can we actually know whether a development will result in adding or removing carbon?

Policy CC13 – Are facilities required for charging e-bikes/scooters safely, not just storing them? Should there be more emphasis on charging points in public car parks, supermarket car parks, etc.

How will progress towards net-zero be measured?

Chapter Five - Spatial Strategy

It would not seem unreasonable to expect this chapter to state clearly what the Spatial Strategy actually is. As written, it is simply a collection of policies, although some of the material in those policies might be better forming part of the strategy. The strategy should, in principle, set out the intentions regarding all possible uses of the land and the corresponding implications for transport and other infrastructure, and the policies should then derive from this. This point was made in comments on the earlier consultation on the Issues and Options Paper.

Policy SS1

The proposal to allocate land for 123 dwellings per annum is inconsistent with Policy H1, where, given existing commitments, it is made clear (Table 4 (*sic*)) that the minimum requirement is for just 1347 houses (including a 10% buffer), which equates to just 75 per annum until 2041. Alternatively, the availability of reserve sites could be regarded as providing the buffer but the 657 listed would amount to almost 50%, which is beyond excessive and should, in any case, not be needed if the buffer is included, as proposed.

The possible development at St George's Barracks (Policy SS5) would add considerably to the total. Taken together with the proposals for the Officers' Mess site (H1.4), this would lead to significant imbalance in housing distribution around Edith Weston. Clearly, an overall limit on housing numbers in the county as a whole and an appropriate scheme to ensure equitable distribution around the county should be included as a key strategic requirement. It would be unacceptable to commit to building more housing than the anticipated population growth would demand.

CPRE Rutland objects to this policy as currently drafted.

Policies SS1/2 – Will smaller villages not be permitted to expand? Perhaps one or two of them might have aspirations to become larger villages, particularly if they are already approaching the stated size threshold? Larger villages often also have a church or other place of worship, which residents from other villages might wish to use – this should be included in the text (e.g. Page 61).

Policies SS3/4

It is concerning that Policy SS4 is inconsistent with Policy SS1 and greatly increases the scope for development in the small villages beyond that indicated by Policy SS1. This is contrary to many other policies aimed at securing environmental protection, minimising atmospheric pollution, biodiversity protection, and overloading of rural minor roads.

Planned Limits of Development (PLD) are a Material Planning Consideration when determining applications for new build and extensions in the small villages. There is a presumption against planning consent for developments outside of the planned limits of development. PLD's therefore have a most important role in preventing continuous expansion and enlargement of small villages, and also in ensuring that unauthorised development is not permitted in the open countryside which by definition lies beyond the immediate boundary of the PLD. Some villages, furthermore, might wish to retain their PLD.

It is not clear that removing PLDs has ever been asked for in community feedback; if it has, this needs to be brought out clearly. The only evident reference to such a move is in the Spatial Strategy Evidence Report, which assumed that PLDs would be removed from smaller villages but did not actually recommend such a change.

Conclusions on PLDs

- i) Policy SS4 is most likely to lead to a massive increase in the development of small sites, mostly around the periphery of the small villages. This in turn will lead to these settlements, with little or no facilities, generating significant new commuter traffic to and from areas of employment, schools, shopping, medical services and other essential community services, causing many community and logistical problems. It is recommended that this policy is removed from the Local Plan.
- ii) If it is considered that small villages and hamlets should have incremental growth, then the planned limits should be reappraised. Before any changes are made, consultation should be undertaken with Village Councils and Meetings. Village growth should not be considered in an ad hoc way. The PLD's as already defined for the small villages should remain as they stand at present.
- iii) The second paragraph on page 63/116 announcing that PLDs have not been defined for the small villages and hamlets needs to be removed from the Local Plan. Planned limits should be retained.
- iv) Conditions (a) to (g), because of their lack of clarity and the very different interpretations which can be placed upon them, will impose an impossible determination task on Development Control and will cause increased friction between the planning department and the communities in the small villages. It would make it even more difficult for Development Control to restrain development in and around the periphery of the small villages.
- v) Planning policies need to be designed for clarity and certainty of determination. For these reasons planned limits of development around the small villages need to be upheld in the Regulation 18 Local Plan and in the Regulation 19 Plan to follow.
- vi) To merge the planning policies for small villages with the more restrictive policies for open countryside and to actually increase the development opportunities in the open countryside through the application of conditions (a) to (g) in policy SS4 is confusing and does not protect the countryside.

CPRE Rutland supports the focus on development within the Planned Limits of Development of the identified principal towns as it is important to restrict speculative development on unallocated sites elsewhere in Rutland, to ensure the delivery of allocated sites in the PLD's is not compromised. We also welcome the statement that the proposed housing delivery of 123 dwellings per annum is quoted as being the minimum requirement for the whole of Rutland. This will allow an element of flexibility to respond to changing circumstances over the Plan period. (See Policy H1 response below.)

Policy SS5 – Housing development on this site of up to 500 dwellings would account for a considerable proportion of the assessed housing need. The strategy for, and the implications of, such development should be set out clearly, in particular the impact on overall housing numbers and the possible deletion of other sites if this development should go ahead. The site could, presumably, also be used for non residential purposes, such as renewable energy facilities, academic research, etc. The policy should allow for such options to be considered.

In the light of the previous proposals for the St George's Barracks site, there presumably remains a significant risk that the MoD will not relinquish the site in the timescales identified. There will also be significant costs in redevelopment, as was established previously. These implications should be spelt out in the current Plan.

Should development of the site go forward, it is not clear whether it will form a new settlement, rather than being regarded as an extension of Edith Weston; it would, in any case, be outside the existing PLD for the village and would represent a substantial expansion on its immediate boundary but, again, it should be made clear.

Policy SS6 – Last sentence should refer to SS7, not SD6.

Policy SS8 – Minor inconsistency – the policy is stated to apply to new build but the third bullet talks about conversions, which are actually covered in SS10.

Policy SS11 – is not mentioned in the introduction to this section or in the justification following the policies.

Chapter Six – Housing

The number of houses planned to be built during the plan period is 123 per annum, against a requirement for 130 per annum in the previous plan. Given that the population is now predicted to grow by a much greater proportion than in the previous plan (see comment above at Chapter 2), it is difficult to reconcile these figures. The Government's Standard Method for calculating housing need is currently based on the 2014 population figures, but it is understood that revised calculations using the 2021 Census results are likely to be released soon; the housing needs for Rutland will then need to be reviewed.

The evident disparity between housing numbers and population growth needs to be explained and the figures fully justified.

Policy H1 – Sites proposed for residential development

As at March 2023, Table 4 proposes a total of 2512 houses to be built by 2041 (including those already committed but not yet completed). This actually amounts to 140 to be completed each year. Also, given the anticipated population increase by then, each such house will need to accommodate slightly under 2 people on average. Is this consistent with the demographic trends in that timescale? Does this account for current housing waiting lists?

Taking account of commitments to date, the requirement for new development reduces to 75 per annum up to 2041. Of this, more are likely to derive from windfall than is allowed. The windfall allowance of just 45 over the plan period seems unrealistically low, given the rate of windfall completions to date; a more realistic figure, of, say, up to 20 pa, might be more appropriate, leaving a requirement for new planned development of just 55 dwellings per annum.

Although Reserve Sites to accommodate 657 dwellings are listed, it should be made clear that they should not count towards meeting the Plan's housing requirements, which already include a buffer, but can be used to ensure a 5 year land supply. The impact of the possible development at St George's Barracks (Policy SS5) should also be made clear here.

This proposed policy proposes a minimum indicative housing supply of 316 for Uppingham over the period 2021-2041, to be allocated through the Uppingham Neighbourhood Plan (UNP). We welcome the acknowledgement that the proposed policy considers that Neighbourhood Plans can make provision for more housing development than that required in the strategic policy and the Council supports groups that wish to provide site allocations for housing development within their neighbourhood plans that go beyond the minimum requirement contained in the strategic policy, particularly those who assess their local housing needs through an appropriate assessment and plan to meet it.

The Uppingham Neighbourhood Plan Housing Needs Assessment report (February 2023), previously submitted to the Uppingham Neighbourhood Plan Advisory Group by Marrons Planning on behalf of a consortium of landowners/developers, indicates average need ranging from 580 to 717 dwellings in the period 2021-2041 and accordingly concluded that 510 new and committed dwellings should be referred to as a minimum in the UNP. Restricting the allocation of new dwellings to 316 does not provide sufficient flexibility for the UNP and local development proposals to respond to any changes in circumstances concerning the need for and delivery of dwellings both in Uppingham and elsewhere in Rutland.

The proposed indicative housing supply for Uppingham should be specified as a minimum figure.

Policy H2 – Presumably there is a risk that SKDC will not proceed with this proposal, which would impact significantly on Rutland's numbers. What are the infrastructure implications in either case? - they need to be spelt out, i.e. will some of the infrastructure needs be met in Rutland and will there also be impact on existing Rutland infrastructure?

Policy H4 – c) – do all the opportunities have to be within the county?

Do the figures for housing mix add up to the requisite numbers to meet the anticipated population growth and profile going forward? - this needs to be clarified.

Is Table 5 also Figure 4?

The text implies significant changes/additions for the next version of the plan – these would need to be consulted upon prior to Regulation 19.

Policy H7 – The definition of affordability from the NPPF is acknowledged, but simply meeting this is very unlikely to result in homes that are genuinely affordable to those most in need. Can the council not go further in some meaningful way?

78 per annum, from the HMA, out of the 123 required, seems like a very high proportion.

Policies H7, 8 & 9 – Will affordable homes be required to remain affordable in perpetuity?

Policy H10 – Where is the 'Five Counties Extension' defined?

Chapter Seven – Economy

Policy E1 – Strategic employment land allocations

Within this proposed policy, the Uppingham Gate site of 6.8ha is proposed for a range of employment uses. This allocation is shown on the Policies Inset Map.26.

However, the Uppingham Neighbourhood Plan Submission Draft, in its policies HA4 and BE1, allocates the Uppingham Gate site for mixed use development, to include not only B class employment uses, but also an element of retail and housing development. The rationale being that the wider range of uses is necessary to ensure that delivery of the B class employment uses on the site is financially viable. The preliminary Uppingham Gate masterplan proposals for the site demonstrate that the number and range of jobs provided by retail/care home/leisure as well as the Class B2 and E small business units, meet the overall Local Plan employment objectives.

Policies E1/2 – Has the relationship between employment opportunities and housing needs been fully assessed? Presumably, a proportion of any jobs created will be filled by residents of other counties, with concomitant implications for infrastructure, especially transport.

Policy E3 – It needs to be made clear here that employment opportunities are likely to be taken up by residents of other counties and suitable allowance included.

In 1. - Upgrades may also be needed to infrastructure. Also, it is perhaps worth noting that the proposed solar farm north of Barnsdale Gardens appears to be a case of the council not protecting existing employment sites, contrary to this policy.

Policy E7 – Why just larger commercial developments? Surely, all premises should have the benefit of high quality broadband connection; home working is specifically mentioned in the text and fibre will become essential once copper connections are discontinued.

Policy E10 – Why should Uppingham not support the whole of Rutland? In any case, surely both centres will also support users from out of county. Also, Uppingham's plans are addressed in the emerging neighbourhood plan, which should be referred to here, and is in effect implied by H12 which deals solely with Oakham.

Chapter Eight – Sustainable Communities

Policy SC4 – How will potential pollution or proposed mediations be assessed? What if the promised levels are not achieved in practice? The policy itself should be clear on these issues.

Policy SC7 – The only currently proposed development of over 300 dwellings is Stamford North but the need for outdoor sports facilities is not mentioned in Policy H2 – is SKDC committed to including such?

Chapter Nine – Environment Policy

Policy EN1 – Protection of Sites Habitats and Species

Only **significant harm** will allow development to be refused. How is this to be defined for determination purposes? Without clarification this statement is meaningless.

Clause 3 states: Development which would adversely affect, directly or indirectly, other habitats or features of biodiversity/geodiversity importance or value will only be permitted in the following cases.

This policy means there is a presumption of development on Local Wildlife Sites, UK priority habitats, locally important habitats and other landscape features, subject to undefined subjective conditions which cannot allow an agreed interpretation.

This clause 3 of policy EN1 needs to be re-written as a presumption against development with clearly defined and measurable conditions as to standards when development might be considered. The conditions need to be re-defined in such a way that there is clarity and no ambiguity as to how they will be interpreted by the Rutland community, by potential developers and by the Local Planning Authority. More work is needed on this clause.

Clause 4: There is a presumption in favour of development on “irreplaceable habitats” subject to vague and undefined circumstances and/or conditions. This policy presents no basis for determination by Development Control and will therefore lead to subjective and unfounded determination results by the Local Planning Authority. This policy needs to be re-written with a presumption against development with clearly defined and measurable conditions as to standards when development might be considered. The conditions need to be re-defined in such a way that there is clarity and no ambiguity as to how they will be interpreted by the Rutland Community, by potential developers and by the Local Planning Authority. More work is required on this clause.

CPRE Rutland objects to this policy as currently drafted.

Policy EN2 - Local Nature Recovery Strategy – (page 176/229)

When will RCC’s Local Nature Recovery Strategy be published for consultation?

Policy EN3 – Biodiversity Net Gain

The opening sentence of this policy states “This policy will ensure that all major development will contribute towards delivering measurable net gains for nature etc---“. The second paragraph states that “Biodiversity Net Gain (BNG) will apply to all applications except for householder and advertisement applications, and other minor developments where biodiversity considerations are not appropriate, e.g. a change of use from A1 to A3”.

There is clearly a conflict between these two paragraphs. The use of the words “major development” in the first paragraph is incorrect and misleading because BNG requires virtually all new development to contribute towards the delivery of measurable net gains. Therefore, the word “major” should be deleted from this opening statement, for the avoidance of doubt and in accordance with the intended meaning in the NPPF.

The meaning of “qualifying developments” needs to be defined within this policy wording. It would seem that almost all developments are “qualifying” developments with very few exceptions.

The policy states (page 178/231) “Funding for both on site and off site measures shall include a payment to the Council to cover the costs of independent review of Biodiversity Gain Plans and long term monitoring.”

Independent professional review by a competent authority of all Biodiversity Gains Plans is an essential requirement of this policy. Biodiversity Gains Plans submitted by applicants for development are not valid for planning determination until they have been independently professionally reported upon. Therefore, full details of the professional review process and its application are required to be an integrated component of this Local Plan and subject to public consultation.

It is noted that on page 180/233 “The Council will consider providing further detailed guidance on this policy in the form of a Supplementary Planning Document which will set out specified requirements.” The statutory implementation date for this policy is November 2023. Therefore, it is essential that a comprehensive Supplementary Planning Document is available for consultation and implementation at the earliest possible time. This Regulation 18 Local Plan should include this SPD for consultation.

CPRE Rutland objects to this policy as currently drafted.

Policy EN5 - Ancient Woodland and Veteran Trees

States: “New development is expected to protect and enhance irreplaceable habitats including ancient woodlands and ancient and veteran trees. Proposals which avoid or prevent the loss or deterioration of:

- i) ancient woodland; and
- ii) the loss of aged, ancient or veteran trees found outside ancient woodland will be supported.”

This policy needs to be changed to create a presumption against development and clearly defined justifiable exceptions are itemised and explained for clarity of decision making.

What type of new development would be expected to protect and enhance irreplaceable habitats including ancient woodlands and ancient and veteran trees? Please explain.

CPRE Rutland objects to this policy as currently drafted.

Policy EN8 – Important Open Space and Frontages

This policy provides a presumption in favour of development subject to the development not having an adverse impact upon a number of subjective and vaguely defined principles. It therefore presents great difficulties for determination by Development Control and will undoubtedly fuel disagreement and tensions between the Local Planning Authority and the Rutland community.

This policy should clearly state a presumption against development and any possible exceptions permitting any development need to be clearly defined to avoid any ambiguity or challenges over differences of opinion.

CPRE Rutland objects to this policy as currently drafted.

Policy EN12 - Protecting Heritage Assets

On Designated Heritage Assets, the policy states: “The Council will apply national policy to development proposals which affect designated heritage assets”. The applicable national policies need to be specified and referenced. This introduction might as well say “The Council will comply with the law.” It has no meaning and provides no guidance

for the implementation of the policy by Development Control. It cannot contribute to the determination of planning applications.

The policy provides a presumption in favour of development in conservation areas. What does “significant weight” mean? How is “development within, affecting the setting of, or affecting views into or out of a Conservation Area” expected to “conserve, or enhance features that contribute positively to the areas special character, appearance and setting ---”? This needs an explanation.

Regarding buildings of local importance/non-designated heritage asset, the policy contains no benchmarks or guidelines for determination by Development Control. The terms used in this policy are subjective and are open to widely differing interpretations. They offer no basis for determination by Development Control. They will lead to planning decisions without any foundation in principle.

In summary, Policy EN12 provides no improvements on adopted policy SP20 for the protection of heritage assets, even though development pressures have much increased over time since policy SP20 was drafted. We would expect to see a clear presumption against development around heritage assets in this Regulation 18 Local Plan whilst explaining clearly the considerations which will be weighed in exceptional circumstances where development applications may receive sympathetic consideration. These cases should be limited to where a clear and demonstrable public benefit results from any development which might impact heritage assets.

CPRE Rutland objects to this policy as currently drafted.

Chapter Ten - Minerals and Waste

With the increased level of quarrying activity in the County, it is imperative that appropriate safeguards are in place to protect the environment and minimise the risks to public health. The policies proposed in the draft plan do not, however, go far enough to achieve this objective. CPRE Rutland is aware of significant comments made by other bodies, in particular the Rutland Quarry Forum, in this regard. The Charity endorses the view that much stronger controls than are provided by the proposed policies will be needed on health and safety grounds with respect to pollution from quarry workings and associated transport operations, that measures to maintain relevant levels of biodiversity are included, and that appropriate restoration of land once such workings are complete is both planned and enforced.

Enforceable policies are required to ensure that:

- Nuisance dust and PMD particulate generation are subject to specified and declared limits which are accurately measured, monitored correctly and can be effectively enforced by Development Control.
- Maximum quarry output limits (tonnage) are planned for the County in accordance with national targets and limits and are also limited by local environmental improvement targets.
- Environmental impacts of quarry transport are weighed in relation to Rutland’s climate change objectives which must be prioritised above quarry operator output targets
- Conditions applicable to each quarry application are designed and documented for public consultation before any quarry application is approved. Conditions for site restoration to nature at the end of quarry life are made enforceable under all circumstances.

Chapter Eleven – Infrastructure and Delivery

It should be made clear that, while new developments should address infrastructure needed to support them, there may be a need also to consider the impact on existing infrastructure and the possible requirements for more widespread changes.

Is the IDP formally part of the local plan? If so, it is essential that it be made available for consultation at this stage.

Policy INF1 – Healthcare provision should also include liaison/co-operation with Cambridgeshire/Peterborough and Northamptonshire ICBs.

Presumably, places of worship are also elements of community infrastructure.

Policy INF2 – Will there be a need for additional public/town centre car parking (with EV charging points) and should this be included in the policy? Requirement for the layout of roads in new developments to facilitate access for delivery vehicles, possibly including drones, needs to be stated.

Policy INF3 – While new developments might well minimise the need for car use, overall need will increase, as existing homes and businesses can be expected to continue at their current levels of usage. It is not clear that this is effectively factored in to overall transport infrastructure requirements.

CPRE thanks members of their Local Plan Task Group, Planning Lead Carolyn Cartwright, Parish Liaison Cliff Bacon, Text Editor and Coordinator CPRE Rutland Research Officer Malcolm Touchin, and participating parishes for their substantial contributions to this submission.

Response submitted by CPRE Rutland Chair Ron Simpson BEM

7.1.2024