

RCC Local Plan Reg.19 Consultation Cottesmore Parish Council Response

Introduction

The Parish Council endorses the comments made in its response to the Reg. 18 response that there is much to be commended in this draft Local Plan. However, it is still our contention that there are some fundamental issues with significant parts of the plan which we consider challenge whether it can fully meet the tests of 'Soundness', as set out in the National Planning Policy Framework. (NPPF)

We have included this paragraph of explanation not for the Local Planning Authority (LPA) but for anybody reading it say on our website. Paragraph 36 of the 2024 NPPF sets out the following criteria (summarised) to be met for a plan to be 'Sound'.

- (1) Positively Prepared - seeking to meet the area's objectively assessed needs and also to meet needs of neighbouring areas, where it is practical to do so and is consistent with achieving sustainable development.
- (2) Justified- that it is an appropriate strategy and taken into account reasonable alternatives.
- (3) Effective- deliverable over the plan period.
- (4) Consistent with national policy - particularly enabling the delivery of sustainable development in accordance with the current NPPF.

1. Community-led Plan

Rutland County Council (RCC) has claimed all along that this Local Plan is community led. Most recently it has been suggested that this is the case seemingly citing that the process has involved all ward councillors across the board. However, it is quite clear that this is not the intention as set out in all recent versions of the National Planning Policy Framework, including the most recent 2024 edition. Para. 15 states the 'planning system should be Plan led and para. 16c) reaffirms that plans should be shaped by early, proportionate and effective engagement between plan-makers and communities..... (and other stakeholders)'.

As this Parish Council and many others have pointed out, the Plan process has always felt that we are done to rather than been involved. A more inclusive approach could have avoided many of the concerns expressed by residents and would have resulted in a Local Plan the community could more readily support. The scale of objections to some key aspects of the draft Plan, whilst reflecting a significant level of public interest and commitment, should also have given the Local Planning Authority (LPA) cause for thought as to whether it is preparing a plan the community wants.

It has also meant that this Reg.19 consultation, as with its predecessor Reg.18 document, has produced a huge amount of paperwork - 2 plans at nearly 400 pages each, interactive maps that are too complicated and difficult to work properly; 1200 pages of consultation documents and vast numbers of background papers. The Statement of Community Consultation October 2024 sets out the detailed arrangements for all these documents to be made available for consultation but there is no explanation as to how any responses made could actually result in changes to the plan. It is clear that despite the scale of response to the Reg.18 draft and that they had all been considered, there were few changes made to the plan. It is clear that this Local Plan cannot be said to be shaped by engagement with the community, thereby not meeting the tests of soundness in not reflecting the area's needs (positively prepared) or working with community (consistent with national policy).

It is unrealistic to expect most interested parties in the community to get to grips with this scale of information and be able to engage properly in the consultation. There isn't any executive summary of the document. At the very least a clear exposition of the overall vision for Rutland over the years to 2041 and how the Local Plan will seek to deliver it would be helpful. Of course this position is somewhat compromised by the seeming need of an immediate review, covered in section 2 of our response.

The reason this all matters is that it has basically meant that any proper rigorous discussion about the future of Rutland and what it should be like from an environmental/ visual perspective; what should its economic role be and how should it 'feel' as a place to 'live, work and play' has only been considered, if at all, within the confines of RCC.

2. The Need for an Immediate Review of the Local Plan

The last paragraph of the Leader's Forward to the Local Plan rightly draws attention to the need to 'satisfy the requirements of the NPPF' and then seeks to explain that RCC is able to proceed to the EiP under current (December 2023) regulations. However, the Local Plan would then have to be immediately reviewed in the light of emerging new draft guidance, following the election of the Labour Government in July 2024. This will include, amongst other things, a much higher dwelling target for Rutland.

Whilst there can be some sympathy with authorities, like RCC, who are caught in this position, only in the sense that the election was called earlier than many expected. This has meant that the transitional arrangements, put in place to help authorities that are a long way into the plan-making process, are faced with new draft guidance earlier than previously anticipated. It is nevertheless difficult to see how a Local Plan can be deemed sound when one of its most important tests (conforming with National Guidance) is clearly, in any real sense, not met. The latest position we understand is that the review is likely to have to commence before the EiP is even started. We also have no clarity as to whether the Review will cover the whole Plan or confine itself to certain limited topic areas.

This all matters for 2 primary reasons. First, the Local Plan element of the planning system is supposed to create certainty and clarity for all - residents, businesses, leisure providers, even developers and landowners. Clearly this Plan cannot do that. Secondly it makes commenting on this Local Plan in any sensible way extremely difficult.

Take two examples. Below we will comment on whether we think the approach to housing and housing numbers is sound - but in the certain knowledge that anything we now say cannot be relevant in anything other than the very short term. As far as we know, there has been no resolution to the question of how the 5 year housing land supply will be assessed during this period and it could change almost on a monthly basis! So whilst we can welcome reserve sites not being included (as stated in our Reg.18 response they have no basis in planning anyway), we know they could be emerging again as recently as next spring. A nightmare for residents, especially as the consultation responses clearly do not indicate whether these sites are acceptable or not.

A second example is that we will be commenting below on Woolfox which has been included as a Future Opportunity Area in this Reg. 19 consultation. It is clear that this is not included as a commitment in this draft Plan, in which case it would normally just be a consideration in a first Review in say 5 years time. But it could come back as soon as next spring - in responding we just do not know.

3. Is proposed scale of development justifiable or sound and consistent with the Local Plan's own vision

It is quite clear that, even without the increasing development numbers set in the draft NPPF 2024, that RCC (under any political leadership) has sought in every draft Plan iteration since 2017 to suggest a level of development that is at odds with what many residents consider acceptable or reasonable. We have seen it in the numbers and in generous add ons for yearly targets whilst seeming to underplay the actual number of windfall sites developed for example. It is there in the whole debate around the scale of development at St George's Barracks, without which it is probably true Woolfox would never have come forward.

Why anyone should expect the smallest county in England (by both population and area) to require to have such large new settlements has confounded many local communities, as evidenced by the scale of objection to them. Of course there is some element of preferring the one at your end of the county to the nearer one. But, in practice, development of even one of these sites would change Rutland radically, providing housing and indeed potentially employment, far in excess of any proven local need and in locations that would not meet either the strategic aims and objectives of sustainable development or therefore of soundness. It is of course not only about housing, the Mallard Pass solar Farm is on high grade agricultural land that is supposed to be protected from facilities, even those meeting the requirements for national infrastructure provision. We acknowledge that this is imposed by Government, but it goes to the pattern of Rutland appearing to 'welcome' development way beyond its defined local needs.

This scale of likely development is contrary to RCC's own Vision, the 5th bullet point of which refers to development in these terms 'development and change which respects Rutland's rural character and has enhanced the County's sense of community and its unique rural identity'. It is very difficult to understand how this element of the Vision is going to be translated into reality, with the seeming desire to cover Rutland in as much concrete and other development as possible.

It is worth mentioning this is not a NIMBY position. Most people, as reflected in the 2018 consultation responses, accept that Rutland will change and to an extent grow over the next 20 years. But for a Local Plan to meet the

tests of soundness, it should seek to reflect the aspirations of its community and be consistent in implementing its own vision. We accept we have to work with neighbouring authorities and have a duty to cooperate - however the scale of development envisaged by this plan (and its potential follow up) is way beyond Rutland's own needs. It is taking the idea of meeting others needs as mentioned under 'positively prepared' much further than 'where it is practical', we suggest, intends.

4. Role of Neighbourhood Plans

We continue to welcome the support for Neighbourhood Plans - Cottesmore's having been adopted (made) in December 2016. We do however consider that contrary to the national guidance there is not sufficient attention played to their role in allocating development sites, most particularly for housing. It is for this reason (as set out in point 1 above) that we have consistently emphasised the need for more community participation- which could have identified suitable sites using that process.

We accept that at least some of Cottesmore's Neighbourhood Plan would need to be reviewed in the light of a new adopted Local Plan for Rutland, but it is really not clear when this should best be implemented. In practical resource terms it probably would need to be after the 2025 onwards plan review. Better still would be to work with the relevant parishes to identify sensible and sustainable locations for future development.

None of this is covered in the Reg.19 consultation, which again appears to challenge the soundness of the draft.

5. Changes to Planned Limits of Development (PLD)- SS1, SS2 and SS3

This policy has worked reasonably successfully in Rutland Local Plans over many years. It was only in the Reg. 18 to this plan where a change has been proposed, namely the removal of PLD's from the smaller villages and settlements. As a Parish Council which clearly would still retain its PLD, we objected to this change at the Reg.18 stage and maintain that position. The reason for this is that it risks undermining a clear policy and that arguments can clearly be made by developers and others that could weaken this clear and understandable policy of the role of the PLD in seeking to guide the location of new development. We consider the main weakness of PLD is that they are defined too tightly around the built up area, rather than, as one might expect, showing locations where future development could go.

We consider the removal of PLD's from the small settlements is counterintuitive and therefore counterproductive. In straightforward terms, removing them from the smaller settlements is in effect relying on the concept of 'resisting development in the countryside' as the only safeguard in locations where development is to be most strongly prevented. However, where there will be an encouragement to some element of development in the larger settlements, it is felt necessary to have the added policy control of the PLD. Thus counterintuitive. This could become counterproductive also if developers and landowners argue that if you don't need PLD in areas of significant constraint, why do you need it where you anticipate future development. It therefore risks, in our view, the operation of a broadly effective policy. In soundness terms, it is therefore, in our contention neither justified or effective.

It is for others to argue, but over recent years smaller settlements, even with the added protection of the PLD, have delivered proportionally more development than would be anticipated. (As the Monitoring Reports show, over the period 2006-21, 26.7% of new dwellings have been built in the small settlements. Yet H1 Table 3 shows there is an assumption of only 3.1% of new housing is likely to be from windfalls in these settlements.) This suggests that this figure is unsound in being far below what has happened, even with the added protection afforded by the PLD. The ability to resist development in these smaller settlements is then dependent upon only the protection afforded by the criteria set out in SS3. These are very subjective and open to much interpretation when submitting planning applications and in exercising development control and, as a result, risk not being effective at meeting the intended outcome.

6. Housing Allocation and focus on large sites.

Policy H1 identifies sites for residential development. We note that the backland site, with entrance adjacent to 11 Main Street Cottesmore, is not included. We welcome this in that hopefully it reflects our concerns expressed to the Reg.18 Plan. We also welcome the exclusion of Reserve Sites, and in particular the removal therefore of COT15 - Land to north of Mill Lane. In our Reg18 response, we set out in considerable detail why we, as a Parish Council do not think this development of this scale in this location is appropriate, a view in line with many responses from Cottesmore residents.

This approach in the Reg.19 raises two concerns. The first relates back to the sequencing and process that is referred to in point 1 above. What happens next - sites such as Mill Lane shown as reserved in the Reg.18

document, as we said in our response, are now out there as seemingly somewhere RCC has endorsed as suitable for potential development. We hope the considerable objections from both residents and the Parish Council, which go back to the 2017 draft and brought more objections than any other site in the 2020 draft Plan (apart from St George's Barracks) are given due weight when considering future residential sites.

The second concern which goes to the heart of delivering a sound plan is that the sites left are generally large. The plan also relies on the greenfield urban extension that is Stamford North for 650 dwellings. There is a considerable body of evidence that large sites are in general more problematic and prone to greater uncertainties in delivery. The 5 year land supply for Rutland, is in danger of being over dependent on sites that it cannot be sure are capable of being delivered effectively during this time period. It is also challenging as to whether such an approach is justified.

7. The appearance of Woolfox - Future Opportunity Areas (SS4)

The Reg.19 consultation has introduced Woolfox as a Future Opportunity Area. This was not included in the Reg18 despite being well known about, so there has not been any opportunity for it to be properly tested through consultation.

Although the Reg.19 makes it clear that these areas do not have an allocation in this plan, it clearly indicates that large new settlements are deemed appropriate in the future plans of Rutland despite the fact that there is no proven need for any new developments of this scale in Rutland. This seems to be an idea evolving from the St. George's Barracks proposal at the heart of the withdrawn 2020 plan. It seems to us that there is no public appetite for such developments, which clearly would be meeting requirements beyond any need in Rutland and therefore cannot be justified in any reasonable planning assessment and does not meet the strategic criteria for sustainable development. For example the Woolfox location is not brown field land and would just draw in lots of development from elsewhere.

It is interesting that in the policy SS4 there are 16 criteria to guide the proposed Masterplans but nowhere is there any testing of whether such settlements are needed. As noted above, the lack of a Reg18 consultation opportunity almost inevitably leads to this looking like a 'fait accompli'. This proposed location is close enough to Cottesmore to be of considerable concern and yet we and other communities have not been consulted at all about the principle of such a development here. There are two additional criteria relating to detailed proposals for the A1 junction and an acknowledgement of how the scheme can be integrated with the smaller settlements of Stretton and Clipsham. We argue that there needs to be much wider discussions beyond these villages, given the potential scale and impact of a Woolfox proposal.

As noted in section 1 above, the requirement to commence a review immediately could mean these masterplans are in practice going to come forward much quicker than originally thought. It is difficult to see how this adds anything other than uncertainty and confusion to the position in Rutland - such developments are not justified and certainly go way beyond the concept of meeting 'the area's objectively assessed needs' and stretches the idea of 'meeting the needs of other local authorities' to breaking point.

8. Use of Redundant Military Bases (SS6)

This is important for Cottesmore as the Kendrew Barracks, together with HMP Stocken, are the two main locations this policy relates to, given that St George's Barracks has been identified as a Future Opportunity Area. We welcome the idea of it being led, by implication at least, by the Local Planning Authority, via a development brief/ master plan approach. We also welcome the emphasis on involving local communities but once again ask why no mention of parish councils, which from our experience local communities look to a lead in such arrangements.

9. Environment chapter - presumption in favour of development

Section 3 above has discussed the seeming determination to cover Rutland in development of all kinds way beyond its needs. This position is further exacerbated in policy EN 1 that underpins the following environmental policies. Even here where the policies are aimed at protecting and conserving, they are drafted as a presumption in favour of development, to the potential detriment of Rutland's environment. They need to be turned round and written with a presumption against development, with clearly defined conditions and standards to indicate where exceptions to this policy would be accepted. As drafted this policy is neither positively prepared or justified and is therefore unsound.

