

RUTLAND REGULATION 19 LOCAL PLAN – REPRESENTATIONS BY DEFINE PLANNING AND DESIGN ON BEHALF OF WILLIAM DAVIS HOMES – LAND NORTH OF MILL LANE, COTTESMORE

2nd December 2024

1. POLICY CC2 – DESIGN PRINCIPLES FOR ENERGY EFFICIENT BUILDINGS

QUESTION 1: SUPPORT OR OBJECT:

Object.

QUESTION 2: DO YOU CONSIDER THE PLAN IS:

- LEGALLY COMPLIANT? Yes.
- SOUND? No.
- COMPLIES WITH THE DUTY TO CO-OPERATE? Yes.

QUESTION 3: COMMENTS:

The general scope of Policy CC2, which expects new developments to meet “*the highest possible energy efficiency standards*” is appropriate.

However, to ensure that the policy is “*clearly written and unambiguous*” as required by paragraph 16d of the National Planning Policy Framework (NPPF), it should clarify that developments are expected to meet the highest standards, **subject to feasibility and viability**; so decision-makers will clearly understand the factors that define what is “*the highest possible*” standard.

QUESTION 4: PLEASE SET OUT THE MODIFICATION(S) YOU CONSIDER NECESSARY TO MAKE THE JOINT LOCAL PLAN LEGALLY COMPLIANT AND SOUND, IN RESPECT OF ANY LEGAL COMPLIANCE OR SOUNDNESS MATTERS YOU HAVE IDENTIFIED ABOVE:

To ensure that the policy is “*clearly written and unambiguous*” as required by paragraph 16d of the National Planning Policy Framework (NPPF), it should clarify that developments are expected to meet the highest standards, subject to feasibility and viability; so that decision-makers will clearly understand the factors that define what is “*the highest possible*” standard.

QUESTION 5: ATTACHMENTS

None.

QUESTION 6: IF YOUR REPRESENTATION IS SEEKING A MODIFICATION TO THE PLAN, DO YOU CONSIDER IT NECESSARY TO PARTICIPATE IN THE EXAMINATION HEARING SESSION(S)?

William Davis Homes does not wish to attend the examination hearing sessions in relation to this policy / matter, but does wish to attend other sessions in relation to the spatial strategy (Policy SS1), and sites proposed for residential development (Policy H1).

2. POLICY CC4 – NET ZERO CARBON (OPERATIONAL)

QUESTION 1: SUPPORT OR OBJECT:

Object.

QUESTION 2: DO YOU CONSIDER THE PLAN IS:

- **LEGALLY COMPLIANT?** Yes.
- **SOUND?** No.
- **COMPLIES WITH THE DUTY TO CO-OPERATE?** Yes.

QUESTION 3: COMMENTS:

The requirement of Policy CC4 for new developments to “*provide the maximum generation of renewable electricity as practically and viably possible on-site (and preferably on-plot)*” is appropriate in that it is sufficiently flexible in taking account of the feasibility and viability of renewable energy solutions.

However, it is noted that the policy name is referred to as “*net zero carbon (operational)*” which is not actually a requirement of Policy CC4. It is suggested, therefore, that the policy name changes to ensure that the policy as a whole is “*clearly written and unambiguous*” as required by NPPF paragraph 16d, and that the policy is applied consistently.

QUESTION 4: PLEASE SET OUT THE MODIFICATION(S) YOU CONSIDER NECESSARY TO MAKE THE JOINT LOCAL PLAN LEGALLY COMPLIANT AND SOUND, IN RESPECT OF ANY LEGAL COMPLIANCE OR SOUNDNESS MATTERS YOU HAVE IDENTIFIED ABOVE:

It is noted that the policy name is referred to as “*net zero carbon (operational)*” which is not actually a requirement of Policy CC4. It is suggested, therefore, that the policy name changes to ensure that the policy as a whole is “*clearly written and unambiguous*” as required by NPPF paragraph 16d, and that the policy is applied consistently.

QUESTION 5: ATTACHMENTS

None.

QUESTION 6: IF YOUR REPRESENTATION IS SEEKING A MODIFICATION TO THE PLAN, DO YOU CONSIDER IT NECESSARY TO PARTICIPATE IN THE EXAMINATION HEARING SESSION(S)?

William Davis Homes does not wish to attend the examination hearing sessions in relation to this policy / matter, but does wish to attend other sessions in relation to the spatial strategy (Policy SS1), and sites proposed for residential development (Policy H1).

3. POLICY SS1 – SPATIAL STRATEGY FOR NEW DEVELOPMENT

QUESTION 1: SUPPORT OR OBJECT:

Object.

QUESTION 2: DO YOU CONSIDER THE PLAN IS:

- **LEGALLY COMPLIANT?** Yes.
- **SOUND?** No.
- **COMPLIES WITH THE DUTY TO CO-OPERATE?** Yes.

QUESTION 3: COMMENTS:

William Davis Homes (WDH) support the preparation of the Rutland Local Plan (RLP) and Rutland County Council's (RCC) intention to positively plan for its development needs in the period to 2041.

However, as set out in the following comments, the proposed spatial strategy for growth, insofar as the proposed level of housing delivery and the lack of residential development that is focused to the larger villages, is unsound. That is, it will not realise the level of housing needed to respond appropriately to the housing needs of the authority or specific localities, and does not take full account of the reasonable alternatives that are available within the area. WDH's responses to this policy and other policies within the plan (notably Policy H1) demonstrate that there is a need to identify a number of additional sites in order to address the shortcomings of the plan, and that WDH's site to the North of Mill Lane, Cottesmore should therefore be identified as an allocation site.

Quantum of Housing:

Policy SS1 makes reference to the delivery of at least 123 dwellings per annum (dpa) across the proposed plan period of 2021-2041, totalling a figure of 2,460 homes.

WDH's response to Policy H1 considers matters relating to the housing requirement and likely supply of housing in further detail. It highlights (i) that there is evidence to justify the adoption of a higher housing requirement than is proposed, that the RLP's evidence base confirms that residential development should be maximised as far as possible, and that RCC have failed to fully consider the reasonable alternatives that are available in that regard, and (ii) that, notwithstanding that, the actual level of housing deliveries that will be realised in the plan period will fall short even of the proposed housing requirement and a long way short of a more appropriate housing requirement.

In that regard, the spatial strategy is fundamentally unsound on that basis alone, as it does not meet the area's housing needs in full (see NPPF paragraph 35a), is not justified (as per NPPF paragraph 35b), will not be deliverable over the plan period (NPPF paragraph 35c), and is therefore inconsistent with national planning policy (NPPF paragraph 35d).

The Spatial Strategy:

Setting aside the concerns in relation to the housing requirement / supply, the spatial strategy is unsound on the basis that it does not provide for a sufficient level of development to support the long-term vitality of the more sustainable rural settlements within it. Indeed, the Regulation 19 Draft Local Plan (DLP) fails to allocate any major development sites within all but 3 of the larger villages in the County, despite some of the larger villages being sustainable settlements with a wide range of services and facilities that serve residents in the settlement and wider rural hinterland. Rather, for those settlements, the spatial strategy makes clear that development should be limited only to the delivery of windfall sites within the Planned Limits of Development; which have been very tightly drawn.

That approach is contrary to the requirements of NPPF paragraphs 82 and 83, which require local plans to “*be responsive to local circumstances and support housing developments that reflect local needs*”, “*identify opportunities for villages to grow and thrive, especially where this will support local services*”, and support residential developments in locations “*where it will enhance or maintain the vitality of rural communities.*” It is critical that this is achieved given the rural nature of the County because, as the NPPF recognises, residential development in one village can support services and populations in other nearby villages (NPPF paragraph 83), particularly where a range of villages within a wider rural area are dependent on key services within a more sustainable village.

Despite that, the vast majority of more sustainable large villages will be left without **any** development in the remainder of the plan period after the plan’s adoption; which will be a period of at least 15 years. The socio-economic and environmental impacts of that will be significant and have not fully been considered.

Cottesmore:

That is particularly evident in considering the RLP’s approach to Cottesmore.

The Spatial Strategy and Settlement Hierarchy (SSSH) report (August 2023) that has been prepared in support of the RLP highlights that Cottesmore is one of just six larger villages that have a full range of the services and facilities audited by the report (i.e. access to post office services, general store, school and extended school service, a public house, a community hall / meeting place, and a formal open space facility). In addition to that, the SSSH report also highlights that Cottesmore is the largest “large village” in terms of its overall population and number of households. It follows, therefore, that this will generate a reasonably large housing need / demand from residents of the village.

Therefore, the settlement is clearly one of the most sustainable larger villages, and should play a key part of the spatial strategy to respond, both to respond to Cottesmore’s own housing needs and those arising in surrounding villages, and also to support the ongoing vitality of the rural hinterland. Indeed, by virtue of Cottesmore’s sustainable credentials, it follows that the village and its services and facilities play a key role in supporting and sustaining the needs of less sustainable larger villages and the smaller villages in its vicinity; including Greetham, Market Overton, Exton and Barrow, all of which are linked to Cottesmore via bus service(s).

Furthermore, Cottesmore itself also benefits from very good connections to higher order settlements; which offer a wider range of services and facilities outside of those within Cottesmore, which meet the day-to-day needs of residents. Indeed, regular bus services provide access to Oakham (Rutland’s Main Town), within which there are a further range of supermarkets, a hospital, town centre retail units, and the train station that provides onward services to Leicester, Melton Mowbray, Peterborough, and beyond. In addition, Melton Mowbray is accessible via a 30 minute bus journey, and offers a full range of services and facilities. In that regard, additional housing delivery within Cottesmore would support the ongoing vitality of those transport services, and potentially their future expansion.

Cottesmore is, therefore, a sustainable location for growth. It benefits from a good range of services and facilities, is well-connected to higher order settlements, and critically supports surrounding small villages in the wider rural hinterland. Whilst Cottesmore is correctly identified as a larger settlement in Policy SS1, the RLP should have more clearly set the more sustainable large villages (i.e. the six with a full range of key services and facilities) apart from the other large villages (which should be defined as medium villages). In instances where RCC has a Housing Land Supply deficit (i.e. as a result of the increase to its Local Housing Need figure, as expected through the Government’s proposed new Standard Method), that will be key in focusing growth to the more sustainable locations.

Furthermore, and most critically, the failure to identify any additional allocation sites within a sustainable village like Cottesmore is a fundamental failing of the RLP, particularly given that the Core Strategy, Site Allocations Document, and Neighbourhood Plan all failed to identify a single residential allocation site in what is the most sustainable 'larger village'. That approach is fundamentally unsound even at face value, as it fails to manage a sustainable pattern of growth by directing development to sustainable locations (as per NPPF paragraph 109), is not responsive to local needs in rural areas (as per NPPF paragraph 82), and does not recognise or respond to the importance of supporting existing services and facilities within rural areas through well-located development (as per NPPF paragraphs 82 and 83).

Consideration of Alternative Spatial Strategies:

Critically, that is a decision that has been made without full consideration of the socio-economic impacts of such a strategy.

The Sustainability Appraisal (SA) that supports the RLP considers five spatial options (each one taking account of the spatial strategy options and resultant scale of development associated with it). The five options considered were as follows:

- Option 1 – 2,907 dwellings delivery – Oakham, Uppingham Neighbourhood Plan (NP), Quarry Farm and brownfield sites;
- Option 2 – 2,985 dwellings delivery – Oakham, Uppingham NP, Quarry Farm, brownfield sites and small greenfield sites in larger villages;
- Option 3 – 3,279 dwellings delivery – Oakham, Uppingham NP, Quarry Farm, brownfield sites and medium greenfield sites in larger villages;
- Option 4 – 3,821 dwellings delivery – Additional sites in Oakham, Uppingham NP, Quarry Farm, brownfield sites, small and medium greenfield sites in larger villages;
- Option 5 – 3,985 dwellings delivery – Oakham, Uppingham NP, Quarry Farm, brownfield sites, small and medium greenfield sites in larger villages, and a new settlement.

The Regulation 19 RLP confirms that the delivery of a new settlement (as per Option 5) is a matter to be considered in more detail through a subsequent Local Plan Review. In assessing the four remaining spatial strategy options, the SA confirms that there are very limited differences in terms of the impacts of the spatial strategies. In terms of high-level findings, it attributes the following impacts to the options:

- Option 1: 1 significant positive, 4 no, 1 uncertain, 2 significant negatives;
- Option 2: 1 significant positive, 4 no, 1 uncertain, 2 significant negatives;
- Option 3: 2 significant positive, 2 no, 1 uncertain, 3 significant negatives;
- Option 4: 2 significant positive, 2 no, 4 significant negative.

The spatial strategy advanced by the RLP aligns mostly with Option 1, but will actually realise a lower level of residential development (2,705 dwellings). However, based on a balanced consideration of the SA's findings as presented above, there is clear evidence to suggest that a higher level of development would have balanced out an additional positive effect with an additional negative effect. On that basis alone, RCC should have taken forward Option 3, particularly in the context that the evidence base points to a need to maximise development as far as possible to reflect previous delivery rates and respond to the significant affordability issues in the County (see WDH's response to Policy H1).

Setting that aside, it is also clear that the SA has not fully taken account of the practical implications of Spatial Options 1 and 2, insofar as the negative effects that would be associated with their approach to commit very little additional development to the sustainable larger villages; with no additional growth to be focused to Cottesmore despite its credentials. Rather, in looking at the implications of that in further

detail, it is clear that the SA should actually have found that Option 3 is clearly more favourable than Options 1 and 2. That is because:

- With regard to SA Objective 6 (Communities, Health and Wellbeing): The SA correctly recognises that directing higher levels of growth in the larger villages, through Options 3 and 4, *“will also help to provide an increased variety of housing for a wider range of social groups, including younger people and those with particular needs.”* The inverse impact of **not** facilitating any further growth in the vast majority of large villages is not fully considered, however.

In Cottesmore, for example, the spatial strategy will mean that there has been no planned growth in the village through the Core Strategy, Site Allocations, Neighbourhood Plan and now the RLP, despite it being the largest and most sustainable “large village”. That means that the delivery of market and affordable housing has been stifled in recent years and that this will persist through the remainder of the plan period. Critically in relation to this SA objective, that cannot be seen to respond to the housing needs arising from Rutland’s largest village, and will not offer a full range of market and affordable housing; the latter being a significant consideration in light of Rutland’s affordability issues (with the County having an affordability ratio of 9.5). Indeed, the Strategic Housing Market Assessment (SHMA) confirms that there is a net annual need for 14 social rented properties per year within Cottesmore, and an annual net need for 8 affordable home ownership properties, on top of which there would be an inevitable need and demand for market homes. The spatial strategy will continue to fail to address that. That is an unacceptable position, and will only heighten the affordability issues in the County and the village.

Therefore, whilst Options 3 and 4 were rightly afforded positive effects in relation to this SA objective, any option that would result in no / minimal residential development in some / all of the sustainable larger villages must be attributed a negative effect.

- With regard to SA Objective 7 (Transport) and elements of Objective 6 (Communities, Health and Wellbeing, as above): The SA affords no distinction between the findings across Spatial Options 1 to 4. As set out above, the decision to not deliver any housing in the most sustainable large villages (such as Cottesmore) and to only afford limited growth in some others, is contrary to the provisions of NPPF paragraphs 82 and 83. It will fail to support the vitality and long-term wellbeing of rural communities, and particularly the services and facilities that support them (including the critical public transport network in the area). As set out above, the approach to development within Cottesmore will not only impact on residents of the village itself, but also on surrounding lower order villages that depend on Cottesmore for their day-to-day needs. That in itself is a negative effect associated with the lower growth options (Options 1 and 2), that is contrasted to the positive effect attributed to the higher growth options (Options 3 and 4).

However, that will also have significant knock-on impacts on other SA Objectives. For example, where the long-term viability of existing services and facilities is supported, rural areas are able to thrive (see NPPF paragraph 82), potentially attracting new infrastructure investment; which will only serve to improve the sustainability of the settlements. That would clearly also reduce travel demands, which would realise further benefits for SA Objective 7 (Transport) against Options 3 and 4. Conversely, if existing services and facilities within the more sustainable larger villages are no longer viable or new infrastructure is not delivered, as a result of the lack of investment and neglect of larger villages, it plainly follows that residents of Cottesmore and other surrounding settlements will be forced to travel to meet their daily needs. That will have significant negative

impacts to SA Objective 7. Therefore, the distinction in effects associated with Options 1 and 2 (negative effects), compared to Options 3 and 4 (potentially positive effects) is clear.

- With regard to SA Objective 1 (Biodiversity and Geodiversity): a negative impact is afforded to Options 3 and 4, with no impact attributed to Options 1 and 2. That is because some of the medium sized sites in the larger villages (St Mary's Road, Land North of Pennine Drive and Whitwell Road South) fall within 1 km of the Rutland Water SPA / RAMSAR site and / or a Site of Special Scientific Interest. Clearly, therefore, if development within those sites was limited or controlled (through sensitive masterplanning) in favour of maximising the potential of less constrained sites (such as Land North of Mill Lane, Cottesmore), then RCC could avoid the negative effects that the SA associates with the higher growth option.

In that regard, it is clear that Spatial Options 3 (and to a lesser extent Option 4) will actually realise more favourable impacts than Spatial Options 1 and 2 when they are considered in more detail, and that any negative environmental impacts can be moderated through careful site selection / implementation of site allocation requirements. That confirms that planning to a higher housing requirement (as considered in further detail in response to H1) would be appropriate, and that there is specifically a need to identify additional allocation sites within Cottesmore, as the most sustainable large village, in order to respond to its housing needs and support the vitality of the critical services and facilities within it. The latter must be addressed to ensure that the spatial strategy is effective, sustainable and sound; regardless of the housing requirement that is planned for.

Addressing the Spatial Strategy:

Therefore, it is clear that modifications to the plan are required to ensure that the RLP's spatial strategy is effective and sustainable; most notably by identifying additional allocation sites in settlements such as Cottesmore. Given the Government's position with regard to the level of modifications that should be made to Local Plans during their examination (with a clear preference to plans being withdrawn and local authorities re-considering their approach), RCC should take a step backwards to re-consider the RLP's housing requirements, and to identify additional sites.

In that regard, WDH's response to Policy H1 highlights the merits of their site at 'Land North of Mill Lane, Cottesmore' as a proposed allocation site.

QUESTION 4: PLEASE SET OUT THE MODIFICATION(S) YOU CONSIDER NECESSARY TO MAKE THE JOINT LOCAL PLAN LEGALLY COMPLIANT AND SOUND, IN RESPECT OF ANY LEGAL COMPLIANCE OR SOUNDNESS MATTERS YOU HAVE IDENTIFIED ABOVE:

The RLP as a whole is fundamentally unsound, in that it fails to set an appropriate housing requirement and does not identify the required range of sites to respond to the housing requirement and achieve an effective and sustainable spatial strategy.

Given the Government's position with regard to the level of modifications that should be made to make a plan sound through the examination process, the RLP should take a step backwards to re-consider the housing requirement (including in light of any updates to the NPPF and Standard Method) and ensure that it delivers a well-balanced and effective spatial strategy. To address the issues of soundness, the RLP should identify additional allocations in the most sustainable larger villages, including in Cottesmore as the largest village in the County. In that regard, WDH's site at 'Land North of Mill Lane, Cottesmore' should clearly be allocated for residential development.

QUESTION 5: ATTACHMENTS

None.

QUESTION 6: IF YOUR REPRESENTATION IS SEEKING A MODIFICATION TO THE PLAN, DO YOU CONSIDER IT NECESSARY TO PARTICIPATE IN THE EXAMINATION HEARING SESSION(S)?

WDH have significant concerns as to the soundness of the plan, insofar as its failure to set an appropriate housing requirement and identify the required range of sites to respond to the housing requirement and achieve an effective and sustainable spatial strategy. Therefore, WDH request to participate in hearing sessions in order to discuss the changes required to bring forward a sound and sustainable RLP.

4. POLICY SS2 – DEVELOPMENT WITHIN THE PLANNED LIMITS OF DEVELOPMENT:

QUESTION 1: SUPPORT OR OBJECT:

Object.

QUESTION 2: DO YOU CONSIDER THE PLAN IS:

- **LEGALLY COMPLIANT?** Yes
- **SOUND?** No
- **COMPLIES WITH THE DUTY TO CO-OPERATE?** Yes.

QUESTION 3: COMMENTS:

WDH's response to Policy SS1 sets out that the RLP's proposed spatial strategy for growth, insofar as the proposed level of housing delivery and the lack of residential development that is focused to the larger villages, is unsound. That is, it will not realise the level of housing needed to respond appropriately to the housing needs of the authority or specific localities, and does not take full account of the reasonable alternatives that are available within the area.

In that context, Policy SS2 seeks to limit growth in Rutland's settlements only to the proposed allocation sites and specific forms of development within the Planned Limits to Development (PLDs); which are very tightly drawn. That approach is clearly unduly inflexible in light of the clear issues of unsoundness, and WDH's responses to Policies SS1 and H1 highlight how the spatial strategy should be revisited to identify additional housing allocation sites. In that regard, Policy SS2 and the identified PLDs must be amended accordingly to reflect any changes to the plan.

QUESTION 4: PLEASE SET OUT THE MODIFICATION(S) YOU CONSIDER NECESSARY TO MAKE THE JOINT LOCAL PLAN LEGALLY COMPLIANT AND SOUND, IN RESPECT OF ANY LEGAL COMPLIANCE OR SOUNDNESS MATTERS YOU HAVE IDENTIFIED ABOVE:

The RLP as a whole is fundamentally unsound, in that it fails to set an appropriate housing requirement and does not identify the required range of sites to respond to the housing requirement and achieve an effective and sustainable spatial strategy. The tightly drawn PLDs contribute towards those fundamental issues of soundness.

Given the Government's position with regard to the level of modifications that should be made to make a plan sound through the examination process, the RLP should take a step backwards to re-consider the housing requirement (including in light of any updates to the NPPF and Standard Method) and ensure that it delivers a well-balanced and effective spatial strategy. To address the issues of soundness, the RLP should identify additional allocations in the most sustainable larger villages, including in Cottesmore as the largest village in the County. In that regard, WDH consider that their site at 'Land North of Mill Lane, Cottesmore' should be allocated for residential development. Policy SS2 would need to be amended accordingly to reflect that position.

QUESTION 5: ATTACHMENTS

None.

QUESTION 6: IF YOUR REPRESENTATION IS SEEKING A MODIFICATION TO THE PLAN, DO YOU CONSIDER IT NECESSARY TO PARTICIPATE IN THE EXAMINATION HEARING SESSION(S)?

WDH have significant concerns as to the soundness of the plan, insofar as its failure to set an appropriate housing requirement and identify the required range of sites to respond to the housing requirement and

achieve an effective and sustainable spatial strategy. Therefore, WDH request to participate in hearing sessions in order to discuss the changes required to bring forward a sound and sustainable RLP.

5. POLICY H1 – SITES PROPOSED FOR RESIDENTIAL DEVELOPMENT:

QUESTION 1: SUPPORT OR OBJECT:

Object.

QUESTION 2: DO YOU CONSIDER THE PLAN IS:

- **LEGALLY COMPLIANT?** Yes
- **SOUND?** No
- **COMPLIES WITH THE DUTY TO CO-OPERATE?** Yes.

QUESTION 3: COMMENTS:

Executive Summary:

William Davis Homes (WDH) support the preparation of the RLP, and RCC's intention to positively plan for its development needs in the period to 2041.

However, as set out in the following comments, the proposed spatial strategy for growth, insofar as the proposed level of housing delivery and the lack of residential development that is focused to the larger villages, is unsound. That is, it will not realise the level of housing needed to respond appropriately to the housing needs of the authority or specific localities, and does not take full account of the reasonable alternatives that are available within the area. WDH's responses to this policy and other policies within the plan (notably Policy SS1) demonstrate that there is a need to identify a number of additional sites in order to address the shortcomings of the plan, and that WDH's site to the North of Mill Lane, Cottesmore should therefore be identified as an allocation site.

WDH's more detailed comments regarding the RLP's proposed housing requirement and allocation sites are set out in further detail below.

National Context:

The current acute housing supply crisis in the country is recognised by all of the main political parties, as is the importance of the housing industry to the nation's economy. Remedying this crisis has been seen as a critical policy imperative for successive Governments.

The February 2017 White Paper 'Fixing Our Broken Housing Market' presented startling facts and figures highlighting that on average only 160,000 new homes had been delivered each year in England since the 1970s. At that time, it was estimated that 225,000 to 275,000 homes were needed each year to keep up with population growth and to start to tackle the years of under supply that have led to rising average house prices compared to earnings, declining home ownership in the under 35s, and escalating rental costs, and remedy the severe negative impact that this was found to be having on the economy. A subsequent statement in October 2018 then confirmed a commitment to delivering 300,000 homes a year by the mid 2020s.

Recent statements by the Secretary of State for Levelling Up, Housing and Communities have reiterated the Government's commitment to bolstering the supply of housing, with the revised SM for calculating LHN seeking to deliver in excess of 300,000 new homes per year (totalling 375,000 dpa). In that regard, the proposed NPPF changes and accompanying WMS (as published on 30th July 2024) set out clear mechanisms to ensure that this level of housing is achieved over the coming 5 years.

Therefore, the NPPF continues to focus (para. 60) on significantly boosting housing delivery in order to address identified housing needs. It highlights the importance of ensuring that a sufficient amount **and variety** of land comes forward where it is needed, so that the housing needs of specific groups are addressed and that land is developed without unnecessary delay (NPPF paragraph 60). Specifically, the NPPF also recognises the importance of delivering a sufficient amount of housing in rural areas to support their ongoing vitality (NPPF paragraphs 82 and 83).

Transitional Arrangements and the Examination of Local Plans:

It is recognised that the RLP is being brought forward in a period of transition. Indeed, the preparation of the RLP has advanced for the most part in the context of the 2023 version of the NPPF, but a new NPPF is expected to be published before the end of 2024.

The transitional arrangements within the draft version of the new NPPF clarify that the version of the NPPF that a Local Plan will be examined against will be dependent on the stage at which the plan is at within 1 month of the adoption of the new NPPF, and the extent to which the “new” Local Housing Need (LHN) as derived from the proposed Standard Method (“the new SM”) aligns with the planned housing requirement within the emerging Local Plan.

The very recent announcement by the Government confirms that they intend to publish the new NPPF before the end of 2024. Though the gap between the RLP’s planned housing requirement (based on an LHN of 123 dwellings per annum (dpa)) and the planned new SM from the revised LHN (of 264dpa) is significant (more than doubling the previous LHN), the difference is less than 200dpa. Therefore, by undertaking this Regulation 19 consultation, it is recognised that the transitional arrangements as set out in the draft NPPF have been met, and that the RLP can advance to examination against the 2023 NPPF.

However, WDH consider that the RLP is fundamentally unsound, as set out in the following comments. In that regard, and in light of the Government’s clear position that local plans should not be fundamentally modified to ensure that they are sound and instead should be withdrawn, WDH are of the view that RCC should not advance the RLP to examination in its current form, even though they can do so (based on the proposed transitional arrangements).

Moreover, and setting that matter to one side, it would have been testament to positive plan-making for the plan to at least recognise the changing context that will come as a result of the updated NPPF, and the SM in particular. Indeed, whilst the new SM / LHN is not relevant to setting the housing requirement for the RLP, it will nonetheless be a material consideration for the determination of planning applications in advance of the RLP’s adoption and will be the figure that will be used for the purposes of housing land supply monitoring once the RLP turns five years old. RCC’s decision not to identify a significant buffer in its housing supply above the RLP’s housing requirement, and the decision to “drop” the reserved sites that were previously identified in the Regulation 18 Local Plan (rather than upgrading them to allocated sites), is particularly perplexing in that context. That is particularly true given that the Regulation 18 Local Plan had identified such sites for circumstances where “*the housing requirement increases*” and / or to respond to delays in the delivery of other allocation sites.

Indeed, that would have offered RCC an opportunity to begin the step-change in housing delivery that is required for the next plan period, and to influence the sites that would come forward to address any housing land supply shortfall that may arise in the coming plan period (rather than leaving RCC open to entirely speculative developments). That is a particular oversight from RCC.

With that said, it is recognised that the focus of this consultation and the forthcoming examination (if the RLP proceeds to that point) is to consider the soundness of the RLP against the 2023 version of the NPPF. The following representations are, therefore, provided on that basis.

Setting a Housing Requirement:

The RLP proposes to set its housing requirement at 123dpa across a plan period between 2021 and 2041 (a total of 2,460 homes); which aligns with RCC's base LHN when using the current (but soon to be outdated) LHN. Set against that, the RLP seeks to make provision for 2,705 new homes, which allows for a 10% allowance for flexibility.

In doing so, the RLP clearly seeks to plan for the lowest possible housing requirement, with only a very small buffer allowed above it. WDH object to that approach, in that it is not testament to positive plan-making, does not meet the full housing needs of the County and specific localities, has not taken account of all of the reasonable alternatives available, and results in a spatial strategy that does not support the long-term sustainability of the rural areas.

In that regard, the NPPF and Government's Planning Practice Guidance (PPG) are clear in stating that the SM "does not produce a housing requirement figure" and rather "identifies a minimum annual housing need figure" (PPG ID: 2a-002-20190220). The 'Housing and Economic Development Needs Assessments' PPG continues to state that "there will be circumstances where it is appropriate to consider whether actual housing need is higher than the SM indicates." It states that such circumstances include, but are not limited to, situations where increases in housing need are likely to exceed past trends because of:

- Growth strategies for the area that are likely to be deliverable, for example where there is funding in place to promote and facilitate additional growth;
- Strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or
- An authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground.

The SHMA that has been prepared to support the RLP considers other projections and recent residential completions, which contextualise the housing requirement that is being proposed. Most notably, it highlights that, delivering just 123 dpa across the plan period would fall significantly below the 10-year average delivery rate of 184 net completions per annum between 2011 and 2021, an average that would be higher still (at 203dpa) when ignoring the two years of delivery that were disturbed by the Covid-19 pandemic (2020/21 and 2021/22). That highlights that there has been sufficient market demand for housing in recent years to drive a much higher level of growth than the RLP is seeking to plan for, and there is no evidence to suggest that there has been a suppression in demand for housing. It would, therefore, be wholly inappropriate to reduce the delivery of housing by such a significant amount.

That is particularly true given the affordability issues that persist in the County, which point to a need to maximise housing delivery as far as possible. Indeed, though it has remained reasonably steady in the last decade, the housing affordability ratio (expressing the median house price as a factor of the median household income) remains at 9.12 as of 2022. That is higher than both the national average in 2022 (of 8.28) and the average for the East Midlands in 2022 (7.45). The SHMA states (para. 15) that this points to potential difficulties in first-time buyers (in particular) accessing the market, with private rents also high in the regional context. In that regard, the SHMA finds that there is a net annual need for 78 social / affordable rented houses per annum and 36 affordable home ownership properties per annum; a total of 114 affordable properties per annum. Whilst it is recognised that the affordable housing needs and LHN are not directly comparable, it is noted for context that this equates to 92.7% of the current LHN.

The SHMA, in noting the level of development in recent years and evidence of unaffordability, concludes that *“both of these findings arguably point to a higher need in excess of the Standard Method, but it is not possible to pin a specific number down”* (see paragraph 20). Therefore, the SHMA concludes that *“overall, taking all of the evidence in the round [...] the Standard Method housing need should be considered by the Council as **very much a minimum figure** with a range of different projections typically (but not universally) pointing to a higher figure”* (para. 21). It continues to state that *“the Council should therefore consider **if it is reasonable and possible to exceed the Standard Method**, in doing so consideration will need to be given to factors other than just need (such as relating to land supply and infrastructure requirements.”*

Sustainability Appraisal Testing:

It is clear, in that context, that all reasonable alternatives should be considered, with a presumption that the level of housing delivery should be maximised as far as is possible / acceptable.

The SA should mark the starting point in considering whether there are other alternatives that have the potential to maximise growth, although it is noted that an SA is ultimately a tool to guide a local plan, and that other considerations should be accounted for (notably the need to support the County’s larger villages). As part of that process, RCC should have considered opportunities for the spatial strategy to take a blended approach that seeks to maximise the positive impacts and moderate any negative impacts of each option; all with a clear end goal of maximising growth.

Instead, the RLP has sought to deliver the lowest acceptable level of growth, despite the evidence base (and the SA in particular) suggesting that a much higher level of growth could be realised. As below, that is a fundamental failing of the RLP.

In considering the potential options for the spatial strategy, the SA considered the following five options:

- Option 1 – 2,907 dwellings delivery – Oakham, Uppingham Neighbourhood Plan (NP), Quarry Farm and brownfield sites;
- Option 2 – 2,985 dwellings delivery – Oakham, Uppingham NP, Quarry Farm, brownfield sites and small greenfield sites in larger villages;
- Option 3 – 3,279 dwellings delivery – Oakham, Uppingham NP, Quarry Farm, brownfield sites and medium greenfield sites in larger villages;
- Option 4 – 3,821 dwellings delivery – Additional sites in Oakham, Uppingham NP, Quarry Farm, brownfield sites, small and medium greenfield sites in larger villages;
- Option 5 – 3,985 dwellings delivery – Oakham, Uppingham NP, Quarry Farm, brownfield sites, small and medium greenfield sites in larger villages, and a new settlement.

The Regulation 19 RLP confirms that the delivery of a new settlement is a matter to be considered in more detail through a subsequent Local Plan Review. In assessing the four remaining spatial strategy options, the SA confirms that there are very limited differences in terms of the impacts of the spatial strategies. In terms of high-level findings, it attributes the following impacts to the options:

- Option 1: 1 significant positive, 4 no, 1 uncertain, 2 significant negatives;
- Option 2: 1 significant positive, 4 no, 1 uncertain, 2 significant negatives;
- Option 3: 2 significant positive, 2 no, 1 uncertain, 3 significant negatives;
- Option 4: 2 significant positive, 2 no, 4 significant negative.

The spatial strategy advanced by the RLP aligns mostly with Option 1, but will actually realise a lower level of residential development (2,705 dwellings). However, based on a balanced consideration of the SA’s

findings as presented above, there is clear evidence to suggest that a higher level of development would have balanced out an additional positive effect with an additional negative effect.

As set out in response to Policy SS1, however, the SA has overlooked the implications of the RLP's chosen spatial strategy; in particular failing to recognise the negative effects that would be associated with the decision not to allocate additional residential development sites within the vast majority of the larger villages, including the largest and most sustainable settlement of Cottesmore. WDH's detailed comments highlight that the SA overlooks the following considerations:

- The lower growth options will not deliver any new market or affordable housing in the vast majority of large villages despite their sustainable credentials, and will therefore ignore the wide ranging needs in that regard, meaning that negative effects will arise in relation to housing as a result of Options 1 and 2, as opposed to significant positive impacts associated with Options 3 and 4;
- The lower growth options will fail to support the ongoing vitality of key services and facilities that support residents both of Cottesmore and the wider rural hinterland (see NPPF paragraphs 82 and 83 for the relationship in that regard). That risks the loss of such services, which would have a significant impact on residents' day-to-day lives, and would necessitate long distance journeys for residents to access much-needed services. Conversely, a higher level of growth (i.e. Options 3 and 4) would support the ongoing vitality of such services, and potentially result in new facilities being delivered.
- Negative impacts are attributed to Options 3 and 4 against the SA Objective 1 (Biodiversity and Geodiversity) because some medium sized sites in the larger villages fall within 1km of Rutland Water and / or a Site of Special Scientific Interest. However, if development within those sites was limited or controlled (by introducing policy requirements or through sensitive masterplanning), then RCC would avoid the potential negative effects the SA associates with the higher growth option.

Therefore, it is clear that Options 3 and 4 (particularly Option 3) will actually realise more benefits than the lower growth options (notably in terms of housing and service / infrastructure support) and that environmental impacts can be moderated, but that conversely the lower growth Options (Options 1 and 2) should have been afforded more negative effects. In that regard, a more accurate SA appraisal of the Spatial Options would have found that Option 3 would realise the correct balance between maximising housing delivery and minimising impacts.

Overall Housing Requirement:

Option 3 should, therefore, have been taken forward as the housing requirement and spatial strategy of choice; **resulting in a housing requirement of 3,905 dwellings across the 20 year plan period.** On that basis alone, the sites associated with Option 3 should be allocated. That includes WDH's site at Land North of Mill Lane, Cottesmore.

Housing Supply:

Notwithstanding the above, it is clear that the purported supply of housing would actually fall short even of that lower housing requirement. The RLP sets out a purported supply of 1,182 homes from new allocations within the plan. When added to the supply from completions and commitments in the plan period to date (1,516 homes), the claimed supply within the RLP is 2,698 homes.

Completions and Commitments:

Whilst RCC is correct in taking account of existing completions and commitments, NPPF paragraph 74d makes clear that planning policies should "*make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites*".

In that regard, the level of completions (at 303 dwellings to date) is acceptable, as those houses are now delivered. However, it is inevitable that not all of the committed sites will be delivered for various reasons (i.e. viability, technical feasibility, change in landowner interests, etc.). Therefore, a lapse rate should be applied to the purported supply of 1,213 dwellings. In the absence of RCC's assessment of lapse rates, a 10% deduction should be applied to this category to allow for non-delivery.

That would reduce the supply figure for committed sites to 1,092 homes which, when adding the supply from completions to date, would result in a combined supply of 1,395 homes.

The Stamford Sustainable Urban Extension (SUE):

The RLP claims that the Stamford SUE will deliver 650 homes in the plan period. That equates to 55% of the claimed supply from new allocations in the RLP, and 24% of the total number of dwellings that RCC expects to be delivered in the plan period as a whole.

Whilst WDH recognises that a Memorandum of Understanding has been agreed between RCC and South Kesteven District Council (SKDC), the proposed SUE will clearly operate functionally and geographically as an extension to Stamford. Indeed, that was reflected in the Regulation 19 version of the now withdrawn RLP, which stated at paragraph 4.12 that RCC *"has concluded that some land within Rutland should be allocated as part of a larger urban extension to meet the housing and economic needs of the town in the future."* The withdrawn plan continued to explicitly state that *"this site **would not normally be allocated in Rutland to meet Rutland's own housing need as it does not relate to the towns or LSCs within the county."***

There has been no change in context to justify RCC's change in view in that regard. Indeed, the very same logic persists now; it stands to reason that residents of the SUE will ultimately be residents of Stamford, and are likely to work within Stamford and utilise the services and facilities that are available therein. The development will, therefore, make no contribution towards meeting the housing needs that are arising within Rutland County itself.

The MoU, therefore, merely represents a re-working of the figures with regard to the housing needs and supply for RCC and SKDC, and has only arisen because SKDC is now confident that they can meet their housing needs in full within their own jurisdiction, whereas RCC is now less comfortable that it can achieve that. If SKDC was not in that position, then there would have been no change to the position, and the authorities would have continued to treat the SUE as an extension to Stamford that is ultimately absorbing the overspill in demand for housing within / adjacent to Stamford.

Therefore, the Stamford SUE should continue to be treated in the same way as it was in the withdrawn plan, as an allocation to meet the needs of neighbouring SKDC. Whilst WDH recognises that the RLP must make reference to the delivery of the SUE (given that the site is within RCC's jurisdiction), **650 dwellings should be removed from the RLP's supply.**

Residual Housing Supply:

Based on the above adjustments, **it is more appropriate to suggest that the total housing supply will be 1,927 dwellings**, rather than the supply of 2,698 homes as contended. That figure falls a long way short of the even the SM-derived LHN across the plan period (2,460 homes); resulting in a shortfall of over 500 dwellings.

The shortfall is yet more stark when compared to the more appropriate housing requirement as derived from SA Option 3, of 3,905 dwellings; with a shortfall of almost 2,000 homes. Therefore, it is clear that additional sites must be identified.

Identifying Additional Sites – Land North of Mill Lane, Cottesmore:

The starting point in doing so must be to introduce the medium sites within the larger villages that were included by the SA in testing Option C. That will be critical both in addressing the housing requirement and realising a more sustainable and efficient spatial strategy (responding to the concerns as set out in response to Policy SS1).

That includes WDH's site at Land North of Mill Lane, Cottesmore; which was also identified as a "reserve" site in the Regulation 18 RLP, with RCC specifically noting that such sites should come forward to respond to an increase to the housing requirement. That clearly confirms that RCC has found the site to be suitable (as confirmed in the Site Allocation Assessment), and notably that approach would also mean that an appropriate level of residential growth is focused on the most sustainable and largest village in the County.

The land being promoted by WDH is identified in the submitted Site Location Plan, which includes the previous reserved site and an area that was previously proposed for biodiversity net gain offsetting, and open space / recreation provision.

WDH has undertaken a suite of technical and environmental site assessments in recent years that have confirmed that the site is not subject to any insurmountable development constraint. They confirm:

- That the site is suitably located for residential development, being well positioned relative to the centre of the village and associated local retail, community and recreation facilities.
- That residents of the site would also benefit from existing bus services on Main Street that are in walking distance from the site and provide access to higher order settlements;
- That the development is acceptable in highways terms and that access can be provided from Mill Lane;
- That the scheme can sensitively respond to the surrounding context to ensure it is acceptable in landscape and visual amenity terms;
- That there will be no harmful impact on designated heritage assets;
- That the site is of low ecological value and that a net gain in biodiversity is achievable, through the retention of existing features and enhanced open space; and
- That development can be delivered in a manner that limits the loss of trees and hedgerows;
- That the site is in Flood Zone 1, and that an appropriate drainage strategy can be implemented that will considerably reduce surface water runoff from the site.

Recognising that such a modification would now be required through a revised Regulation 19 consultation given the Government's position on the extent to Local Plan modifications at the examination stage, WDH would welcome the opportunity to discuss the opportunities present within the site (noting that WDH controls additional land to the west of the site that was previously identified in the Regulation 18 RLP).

Conclusion:

On the basis of the above analysis, it is clear that the RLP's proposal to plan solely for the base LHN is not sound, as it does not reflect a positive approach to plan-making and has not considered all available reasonable alternatives. The above analysis has demonstrated that there is clear justification for a higher level of residential development, to reflect residential deliveries in recent years and to respond to the persistent affordability issues in the area, as presented in the RLP's evidence base. Moreover, the SA as

currently drafted demonstrates that a higher level of growth, aligning with Option 3, could be delivered in a balanced manner and, when considering the actual implications of delivering a lower level of housing, it is clear that Option 3 would actually be the optimal one. Notwithstanding that, the above analysis has identified that the claimed supply would not meet even the LHN figure across the 20 year plan period.

In that regard, it is clear that additional housing allocation sites must be identified for the RLP to be found sound. The starting point for that should be the medium-sized sites that were tested in the SA, including WDH's site at Land North of Mill Lane, Cottesmore; which is a suitable development site that would meet local housing needs, and support the long-term vitality of the settlement. It is recognised that this would require the RLP to be withdrawn, and for a second Regulation 19 consultation to be undertaken; and WDH consider that this is the only way to positively plan for RCC's identified needs.

QUESTION 4: PLEASE SET OUT THE MODIFICATION(S) YOU CONSIDER NECESSARY TO MAKE THE JOINT LOCAL PLAN LEGALLY COMPLIANT AND SOUND, IN RESPECT OF ANY LEGAL COMPLIANCE OR SOUNDNESS MATTERS YOU HAVE IDENTIFIED ABOVE:

The RLP's proposal to plan solely for the base LHN is not sound, as it does not reflect a positive approach to plan-making and has not considered all available reasonable alternatives. There is clear justification for a higher level of residential development, to reflect residential deliveries in recent years and to respond to the persistent affordability issues in the area, as presented in the RLP's evidence base, and the SA supports that position (particularly when applied robustly).

Additional housing allocation sites must be identified for the RLP to be found sound. The starting point for that should be the medium-sized sites that were tested in the SA, including WDH's site at Land North of Mill Lane, Cottesmore; which is a suitable development site that would meet local housing needs, and support the long-term vitality of the settlement. It is recognised that this would require the RLP to be withdrawn, and for a second Regulation 19 consultation to be undertaken; and WDH consider that this is the only way to positively plan for RCC's identified needs.

QUESTION 5: ATTACHMENTS

Site Location Plan (ref. P21-3342 001B-1 – Site Location Plan).

QUESTION 6: IF YOUR REPRESENTATION IS SEEKING A MODIFICATION TO THE PLAN, DO YOU CONSIDER IT NECESSARY TO PARTICIPATE IN THE EXAMINATION HEARING SESSION(S)?

WDH have significant concerns as to the soundness of the plan, insofar as its failure to set an appropriate housing requirement and identify the required range of sites to respond to the housing requirement and achieve an effective and sustainable spatial strategy. Therefore, WDH request to participate in hearing sessions in order to discuss the changes required to bring forward a sound and sustainable RLP.

6. POLICY H2 – CROSS-BOUNDARY DEVELOPMENT OPPORTUNITY – STAMFORD NORTH:

QUESTION 1: SUPPORT OR OBJECT:

Object.

QUESTION 2: DO YOU CONSIDER THE PLAN IS:

- **LEGALLY COMPLIANT?** Yes
- **SOUND?** No
- **COMPLIES WITH THE DUTY TO CO-OPERATE?** No.

QUESTION 3: COMMENTS:

The RLP proposes that the Stamford SUE will deliver 650 homes towards meeting RCC's housing needs in the plan period.

Whilst WDH recognises that a Memorandum of Understanding has been agreed between RCC and South Kesteven District Council (SKDC), the proposed SUE will clearly operate functionally and geographically as an extension to Stamford. Indeed, that was reflected in the Regulation 19 version of the now withdrawn RLP, which stated at paragraph 4.12 that RCC *"has concluded that some land within Rutland should be allocated as part of a larger urban extension to meet the housing and economic needs of the town in the future."* The withdrawn plan continued to explicitly state that *"this site **would not normally be allocated in Rutland to meet Rutland's own housing need as it does not relate to the towns or LSCs within the county.**"*

There has been no change in context to justify RCC's change in view in that regard. Indeed, the very same logic persists now; it stands to reason that residents of the SUE will ultimately be residents of Stamford, and are likely to work within Stamford and utilise the services and facilities that are available therein. The development will, therefore, make no contribution towards meeting the housing needs that are arising within Rutland County itself.

The MoU, therefore, merely represents a re-working of the figures with regard to the housing needs and supply for RCC and SKDC, and has only arisen because SKDC is now confident that they can meet their housing needs in full within their own jurisdiction, whereas RCC is now less comfortable that it can achieve that. If SKDC was not in that position, then there would have been no change to the position, and the authorities would have continued to treat the SUE as an extension to Stamford that is ultimately absorbing the overspill in demand for housing within / adjacent to Stamford.

Therefore, the Stamford SUE should continue to be treated in the same way as it was in the withdrawn plan, as an allocation to meet the needs of neighbouring SKDC. Whilst WDH recognises that the RLP must make reference to the delivery of the SUE given that the site is within RCC's jurisdiction, it **should not be considered as an allocation to meet RCC's needs, and should be removed from the housing supply in the RLP.**

QUESTION 4: PLEASE SET OUT THE MODIFICATION(S) YOU CONSIDER NECESSARY TO MAKE THE JOINT LOCAL PLAN LEGALLY COMPLIANT AND SOUND, IN RESPECT OF ANY LEGAL COMPLIANCE OR SOUNDNESS MATTERS YOU HAVE IDENTIFIED ABOVE:

Stamford SUE would not meet the needs arising from Rutland County itself, and would physically and functionally form part of Stamford; meeting the needs arising from South Kesteven District. Therefore, it should not be treated as an allocation to meet RCC's needs, and should be removed from the housing supply in the RLP.

QUESTION 5: ATTACHMENTS

None.

QUESTION 6: IF YOUR REPRESENTATION IS SEEKING A MODIFICATION TO THE PLAN, DO YOU CONSIDER IT NECESSARY TO PARTICIPATE IN THE EXAMINATION HEARING SESSION(S)?

WDH have significant concerns as to the soundness of the plan, insofar as its failure to set an appropriate housing requirement and identify the required range of sites to respond to the housing requirement and achieve an effective and sustainable spatial strategy. Therefore, WDH request to participate in hearing sessions in order to discuss the changes required to bring forward a sound and sustainable RLP.

7. POLICY H3 – HOUSING DENSITY:

QUESTION 1: SUPPORT OR OBJECT:

Object.

QUESTION 2: DO YOU CONSIDER THE PLAN IS:

- **LEGALLY COMPLIANT?** Yes.
- **SOUND?** No.
- **COMPLIES WITH THE DUTY TO CO-OPERATE?** Yes.

QUESTION 3: COMMENTS:

The purpose of Policy H3 is recognised, but WDH are concerned that the policy could be mis-construed as suggesting that the starting point for residential densities should be 25 dwellings per hectare (dph). Rather, in most circumstances, a residential density of 30–35dph will be appropriate.

Therefore, to ensure that the policy is “*clearly written and unambiguous*”, it should be modified as follows:

“New residential development is required to make the most efficient use of land whilst responding to local character, context, and distinctiveness. Residential densities will vary dependent upon the local area context and character and the sustainability of the location, but generally should be no less than 25 dph (dwellings per hectare), and ordinarily should be between 30 and 35 dph.”

QUESTION 4: PLEASE SET OUT THE MODIFICATION(S) YOU CONSIDER NECESSARY TO MAKE THE JOINT LOCAL PLAN LEGALLY COMPLIANT AND SOUND, IN RESPECT OF ANY LEGAL COMPLIANCE OR SOUNDNESS MATTERS YOU HAVE IDENTIFIED ABOVE:

To ensure that the policy is “*clearly written and unambiguous*”, it should be modified as follows:

“New residential development is required to make the most efficient use of land whilst responding to local character, context, and distinctiveness. Residential densities will vary dependent upon the local area context and character and the sustainability of the location, but generally should be no less than 25 dph (dwellings per hectare), and ordinarily should be between 30 and 35 dph.”

QUESTION 5: ATTACHMENTS

None.

QUESTION 6: IF YOUR REPRESENTATION IS SEEKING A MODIFICATION TO THE PLAN, DO YOU CONSIDER IT NECESSARY TO PARTICIPATE IN THE EXAMINATION HEARING SESSION(S)?

William Davis Homes does not wish to attend the examination hearing sessions in relation to this policy / matter, but does wish to attend other sessions in relation to the spatial strategy (Policy SS1), and sites proposed for residential development (Policy H1).

8. POLICY H4 – HOUSING MIX:

QUESTION 1: SUPPORT OR OBJECT:

Object.

QUESTION 2: DO YOU CONSIDER THE PLAN IS:

- **LEGALLY COMPLIANT?** Yes.

- **SOUND?** No.
- **COMPLIES WITH THE DUTY TO CO-OPERATE?** Yes.

QUESTION 3: COMMENTS:

The scope of Policy H4 is generally sound in requiring housing mixes to respond to evidence of need, but the policy should also make reference to how they should also respond to “evidence of demand, site and settlement-specific factors / constraints, feasibility, and site viability.”

QUESTION 4: PLEASE SET OUT THE MODIFICATION(S) YOU CONSIDER NECESSARY TO MAKE THE JOINT LOCAL PLAN LEGALLY COMPLIANT AND SOUND, IN RESPECT OF ANY LEGAL COMPLIANCE OR SOUNDNESS MATTERS YOU HAVE IDENTIFIED ABOVE:

The scope of Policy H4 is generally sound in requiring housing mixes to respond to evidence of need, but the policy should also make reference to the influence of “evidence of demand, site and settlement-specific factors and constraints, feasibility, and site viability.”

QUESTION 5: ATTACHMENTS

None.

QUESTION 6: IF YOUR REPRESENTATION IS SEEKING A MODIFICATION TO THE PLAN, DO YOU CONSIDER IT NECESSARY TO PARTICIPATE IN THE EXAMINATION HEARING SESSION(S)?

William Davis Homes does not wish to attend the examination hearing sessions in relation to this policy / matter, but does wish to attend other sessions in relation to the spatial strategy (Policy SS1), and sites proposed for residential development (Policy H1).

9. POLICY H6 – SELF-BUILD AND CUSTOM HOUSEBUILDING:

QUESTION 1: SUPPORT OR OBJECT:

Object.

QUESTION 2: DO YOU CONSIDER THE PLAN IS:

- **LEGALLY COMPLIANT?** No.
- **SOUND?** Yes.
- **COMPLIES WITH THE DUTY TO CO-OPERATE?** No.

QUESTION 3: COMMENTS:

WDH objects to the implementation of a blanket requirement seeking the provision of Self- and Custom-Build (SCB) units within market housing schemes.

Indeed, WDH questions the evidence to suggest a particular need / demand for SCB, noting that the SCB Register as referred to in the supporting text is not means tested, and often relates to a desire for SCB in a specific location, rather than in market housing developments. Therefore, irrespective of whether there is actually a significant scale of demand for SCB housing, that calls into question whether seeking SCB plots on market housing sites would be appropriate to meet any demand arising.

Furthermore, delivering SCB housing within market housing schemes can be practically challenging. For example, the delivery of SCB houses is often dependent on the ability of sites to provide independent construction access and infrastructure, and deal with difficult health and safety issues; notably relating to the provision of alternative build routes and the uncertainty surrounding deliveries, etc. Those factors

add uncertainty to what is already a complex planning and construction process, and are therefore not conducive to the timely delivery of much-needed housing. Moreover, SCB housing has the potential to undermine the realisation of consistent design principles across a scheme, and can also negatively impact on delivery timescales.

Therefore, the requirement for market housing developments to deliver SCB housing is unjustified and unsound. It should, therefore, be removed from Policy H6.

QUESTION 4: PLEASE SET OUT THE MODIFICATION(S) YOU CONSIDER NECESSARY TO MAKE THE JOINT LOCAL PLAN LEGALLY COMPLIANT AND SOUND, IN RESPECT OF ANY LEGAL COMPLIANCE OR SOUNDNESS MATTERS YOU HAVE IDENTIFIED ABOVE:

The requirement for market housing developments to deliver SCB housing should be removed.

QUESTION 5: ATTACHMENTS

None.

QUESTION 6: IF YOUR REPRESENTATION IS SEEKING A MODIFICATION TO THE PLAN, DO YOU CONSIDER IT NECESSARY TO PARTICIPATE IN THE EXAMINATION HEARING SESSION(S)?

William Davis Homes does not wish to attend the examination hearing sessions in relation to this policy / matter, but does wish to attend other sessions in relation to the spatial strategy (Policy SS1), and sites proposed for residential development (Policy H1).

10. POLICY EN4 – TREES, WOODLAND, AND HEDGEROWS:

QUESTION 1: SUPPORT OR OBJECT:

Object.

QUESTION 2: DO YOU CONSIDER THE PLAN IS:

- **LEGALLY COMPLIANT?** Yes.
- **SOUND?** No.
- **COMPLIES WITH THE DUTY TO CO-OPERATE?** Yes.

QUESTION 3: COMMENTS:

The general principles of Policy EN4 are reasonable. However, the policy refers to the use of calculators such as CAVAT for offsetting the loss of trees.

In some circumstances, the loss of some trees within some sites will be inevitable and entirely justified; for example for safety reasons or to accommodate external / internal access. However, the use of CAVAT or other similar calculators is not a national requirement, and therefore its introduction in this location is not consistent with national policy, and there is no evidence to justify such an alternative approach.

Furthermore, CAVAT and other such calculators attribute significant costs / values to trees, that have not been taken into account in the viability assessment (as such costs will vary on a site-by-site basis). In that regard, the policy requirement is not deliverable.

Reference to the use of tree loss calculators should, therefore, be removed; particularly given that Policy EN4 already requires developments to increase canopy cover.

QUESTION 4: PLEASE SET OUT THE MODIFICATION(S) YOU CONSIDER NECESSARY TO MAKE THE JOINT LOCAL PLAN LEGALLY COMPLIANT AND SOUND, IN RESPECT OF ANY LEGAL COMPLIANCE OR SOUNDNESS MATTERS YOU HAVE IDENTIFIED ABOVE:

The use of tree loss calculators such as CAVAT is not a national requirement, and in some circumstances will result in significant viability implications that have not been tested. The reference to the use of tree loss calculators should be removed.

QUESTION 5: ATTACHMENTS

None.

QUESTION 6: IF YOUR REPRESENTATION IS SEEKING A MODIFICATION TO THE PLAN, DO YOU CONSIDER IT NECESSARY TO PARTICIPATE IN THE EXAMINATION HEARING SESSION(S)?

William Davis Homes does not wish to attend the examination hearing sessions in relation to this policy / matter, but does wish to attend other sessions in relation to the spatial strategy (Policy SS1), and sites proposed for residential development (Policy H1).

11. POLICY EN6 – PROTECTING AGRICULTURAL LAND:

QUESTION 1: SUPPORT OR OBJECT:

Object.

QUESTION 2: DO YOU CONSIDER THE PLAN IS:

- **LEGALLY COMPLIANT?** Yes.
- **SOUND?** No.
- **COMPLIES WITH THE DUTY TO CO-OPERATE?** Yes.

QUESTION 3: COMMENTS:

The NPPF does not provide a blanket protection of Best and Most Versatile Agricultural Land, instead stating that “*the economic and other benefits*” of such land should be “*recognised*” in plan-making and decision-taking. The proposed policy tests are inconsistent with national policy and should be deleted.

QUESTION 4: PLEASE SET OUT THE MODIFICATION(S) YOU CONSIDER NECESSARY TO MAKE THE JOINT LOCAL PLAN LEGALLY COMPLIANT AND SOUND, IN RESPECT OF ANY LEGAL COMPLIANCE OR SOUNDNESS MATTERS YOU HAVE IDENTIFIED ABOVE:

The NPPF does not provide a blanket protection of Best and Most Versatile Agricultural Land, instead stating that “*the economic and other benefits*” of such land should be “*recognised*” in plan-making and decision-taking. The proposed policy tests are inconsistent with national policy and should be deleted.

QUESTION 5: ATTACHMENTS

None.

QUESTION 6: IF YOUR REPRESENTATION IS SEEKING A MODIFICATION TO THE PLAN, DO YOU CONSIDER IT NECESSARY TO PARTICIPATE IN THE EXAMINATION HEARING SESSION(S)?

William Davis Homes does not wish to attend the examination hearing sessions in relation to this policy / matter, but does wish to attend other sessions in relation to the spatial strategy (Policy SS1), and sites proposed for residential development (Policy H1).