

Planning Policy
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Dear Planning Policy,

Re: Consultation on the Pre-submission draft Local Plan Consultation (Regulation 19)

Thank you for giving the opportunity for Persimmon Homes East Midlands the opportunity to comment on the Rutland Pre-submission Draft Local Plan.

Please find below Persimmon Homes East Midlands response to this consultation. In the first instance, these relate to;

- 1. Objection to Policy H1 and Site Selection Process** - A factual error in the Council excluding a site in Langham at the first stage of its sieving process in discounting sites leading to a reasonable alternative for housing development not being appropriately considered. This is a factual error despite Persimmon Homes following the appropriate site submission processes and not one of subjective judgement. As such the site has been excluded from the latter stages of the Council's site selection process and not been considered on an equitable basis to the others. **The site selection process is not therefore justified**
- 2. Objection to Policy SS4 Future Opportunity Areas** – Strategic policies relating to a future local plan should not be included or have development plan status in plan to which they do not relate. The policies are prejudicial to a future local plan review and prejudice the fair and rationale selection / appraisal of reasonable alternatives within the SA process. **The strategic policies are not justified.**
- 3. Objection to Vision and Objectives and the Monitoring and Review Framework** – the Plan should include a development plan policy committing the Council to a local plan review given the expected increase in housing numbers from the NPPF. This is particularly pertinent in the context of the authority seeking to commit to development proposals beyond the current plan period in Policy SS4. **The Plan is unsound without such a policy as it is not positively prepared.**

Policy H1 – Sites proposed for residential development

Persimmon Homes East Midlands (PHEM) objects to the site selection process that has led to the chosen site allocations being put forward in this Pre-submission Draft Local Plan. The site selection process has omitted erroneously the assessment of a site presented to the authority by PHEM at **Cold Overton Road ("The Site")**. **As such the site has not featured in any of the Council's site assessment or Sustainability Appraisal Assessments as a reasonable alternative when it should have.**

PHEM's Regulation 18 response¹ took the opportunity to present the sustainability credentials of Langham, and to present The Site at Cold Overton Road. The intention being that The Site would form an extension to an existing site in Langham already approved under the outline application (2021/1423/MAO).

Having reviewed the 'Housing and Employment Site Assessment Report' (July 2024), PHEM observes that The Site has been erroneously omitted from the Council's sieving process at the initial Stage 1. This is on the basis that the Council believed that it had planning permission already and as such it didn't proceed to the next stages in the site assessment process. The effect being that it was excluded from being considered a reasonable alternative site to those selected for development. This was erroneous.

The Council has erred in its assessment. It has conflated The Site put forward by PHEM with the existing site at Cold Overton Road (Site ID 74) which already has permission for 50 dwellings (planning application reference 2021/1423/MAO). The result of which is that The Site put forward by Persimmon has been excluded from the site selection process for erroneous reasons of fact, rather than any subjective assessment of sustainability. It should have proceeded to pass through the Stage 1 assessment and be considered alongside the other sites on an equitable basis.

To provide clarity on the matter, the image below demonstrates the extent of Site ID 74 that has planning permission. As seen, this permission **does not** extend across onto The Site promoted by PHEM. The site that should have been assessed is an area of approximately 2.44 hectares that sites adjacent to the site that has planning permission. As set out above, the result is that The Site has missed out on being properly assessed, simply due to the neighbouring site within the same assessment having planning permission, and the authority conflating the two.

The site has therefore been prejudiced from having a proper assessment despite PHEM following the correct procedure and submitting it in the call for sites process as an independent free standing site. **The assessment process is therefore not justified in the context of paragraph 35 of the NPPF.**

¹ PHEM Regulation 18 representation ID 7178



Figure 1 – Extent of Planning Permission for Site ID74

There is therefore a significant parcel of land in a key and sustainable location that has been assessed **incorrectly**. Not only does this mean that Site ID74 has unfairly not progressed further than a Stage 1 assessment, but that the site assessment process for this Pre-Submission Draft Plan is **flawed**, affecting the soundness of the plan.

Outcome required to resolve objection: PHEM requests that the Planning Inspector ensure that Rutland County Council (RCC) re-assess the site on an equitable footing to other sites within the site selection process and subsequent stages of the sieving process, and including it within the Sustainability Appraisal as a reasonable alternative. Should it perform sufficiently and equitably to those allocated, it should be considered for allocation and contribute to supply.

To aid the Inspector in considering the sustainability merits of The Site PHEM has taken the opportunity to assess Site ID74 through RCC's Stage 2 site assessment criteria, to demonstrate the suitability of the site delivering much needed new homes. Please see **Appendix 2** for this assessment in full.

PHEM also object to the 10% uplift applied to the Local Plan's annual requirement of 123 dwellings per annum. In line with the NPPF's increase on RCC's housing numbers to 264 per annum, this is a 114% increase. Therefore, we are of the opinion a 20% uplift would be a more appropriate uplift, given the impending implementation of the NPPF's housing increase. It is acknowledged that the outcome of the emerging NPPF's legislation on transitional arrangements for local plan preparation is yet to be acknowledged, a 20% uplift is still a more appropriate allowance for flexibility.

Policy SS4- Future Opportunity Areas

PHEM objects to the inclusion of policies in the Local Plan that frame development management principles for sites that are not formally included in the Local Plan. The inclusion of such strategic policies in the Local Plan prejudices the fair and equitable site selection process in future local plan reviews. If the Council wishes to identify area for potential future growth it should ensure that this is undertaken in a manner that is equitable with all other reasonable alternative locations for growth in any future Local Plan period, i.e undertake a full assessment of alternative strategies / locations for growth for that period. Until this process is undertaken the assumption that these locations will be identified for growth in plan period beyond this plan period is unsound and prejudicial. **As such the policies are not justified and should be removed from the development plan, or at a minimum removed from having development plan status.**

If the authority wishes to provide some indication of potential future growth, these areas should not have formal development plan status, and at most only be indicative to ensure that the local plan review is not prejudicial.

The approach taken by the authority is seeking to identify allocations for a future plan period without taking account of the responsibility for that process to be open, fair and equitable, as well as subject to Sustainability Appraisal (SA). The current process seeks to circumvent that process and is inappropriate. Equally the advocacy of a separate Development Plan Document being prepared for these areas is equally unsound on the basis that they have no rationale or linkage to this development plan process.

Prejudicing alternative locations for future growth

If the Council is planning for future areas of growth in the next local plan in this current local plan it has the ability to prejudice the selection of further sustainable growth locations in the existing settlement of the District. An example of which is continued growth in the existing settlements close to existing services and facilities such as Langham.

The Draft NPPF proposes an increase in housing need from the current local plan need of 123 dwellings per annum to 264 dwellings per annum. This is an increase in housing need of 114% and it is understandable that the authority wants to plan proactively for the future in this matter. However, this should not be done at the expense of growth in the existing settlements such as Langham.

The current Local Plan identifies that after Oakham and Uppingham that the larger villages such as Langham accommodate 23% of the Plan’s growth. They therefore play a crucial role in in delivering new homes in locations that are accessible and sustainable. They should therefore not be prejudiced in the future by the forward identification of growth in development plan policies such as SS4 that have not place in this local plan.

While the strategy and future levels of growth may not be a matter for the Inspector of this Local Plan, the way this Local Plan seeks to influence the future local plan review is. As such, if future locations for growth are articulated in Policy SS4, so should references be included that the larger villages also have a role to play so they are not prejudiced.

Affordability Context

In assessing future areas for growth it is necessary to consider more factors than simply the availability of previously developed land, for example affordability. Rutland is one of the least affordable authorities in the immediate region, with a median house price to median workplace earnings ratio of 9.06 in 2022, compared to 7.59 across the East Midlands [1]. A breakdown of these median figures for Rutland compared to its neighbouring authorities can be found below.

Ratio of Median House Price to Median Gross Annual Income	
Local Authority	September 2022
Rutland	9.06
East Midlands	7.59

Median House Prices [2]	
Local Authority	September 2022
Rutland	£300,000
East Midlands	£226,000

Average Gross Annual Income [3]	
Local Authority	September 2024
Rutland	£43,925
East Midlands	£33,995

Figure 2 – Median Figures for Rutland

At a settlement level, the Rutland Housing Market Assessment (HMA) [4] sets out that of the Large Villages Langham:

1. has the lowest median house price. This demonstrates an accommodating market for affordable housing to be provided, compared to some of the other Large Villages in the upper bracket of the Large Villages hierarchy, such as Cottesmore and Ketton;
2. has one of the highest percentages of need for social/affordable rented housing from Newly Forming Households, with 35.8% of new formed households unable to afford to privately rent;
3. has one of the lowest supply of affordable housing from relets of existing stock, with just 1.6% of relet affordable housing coming from its annual supply [5];
4. has the second highest percentage of proportion of households living in Private Rented accommodation, unable to buy or rent out of all Large Villages (34%) [6].

As such it is important that in any distribution of housing within this or any future Local Plan that the larger villages, and in particular Langham are appraised equitably and without prejudice by a Policy in this Local Plan.

	Median price
Oakham	£249,000
Braunston & Martinthorpe	£305,000
Cottesmore	£360,000
Exton	£477,500
Greetham	£391,000
Ketton	£435,000
Langham	£296,000
Lyddington	£625,000
Normanton	£483,500
Ryhall & Casterton	£400,000
Uppingham	£261,750
Whissendine	£475,000
ALL	£300,000

Source: Land Registry Price Paid data

Figure 3 – Median House Prices by sub-area (Year ending September 2022)

Outcome required to resolve objection: The policy is not sound as it is not justified. Policy SS4 should be deleted, or at least the references made to these potential areas of growth beyond the plan period be removed from having development plan status to allow the full and proper assessment of reasonable alternatives at the appropriate time.

Vision and Objectives & Monitoring and Delivery Framework

PHEM objects to the Regulation 19 Plan also on the grounds of a lack of policy to ensure timescales and framework for a local plan review. As seen in RCC's latest Local Development Scheme (LDS) document [7], RCC have scheduled a review of the plan to include the consideration of St George's Barracks and Woolfox Future Opportunity Areas, to commence in January 2025.

As discussed, the new NPPF changes indicate an increase of 114% on Rutland's annual housing need, an early review of the local plan is therefore not only needed, but an absolute imperative. The 123 annual housing need figure set out in this Regulation 19 is not enough to deliver the affordable housing required to fill the gap that has been identified in the objection SS1 of these representations.

Furthermore, RCC have wished to include the strategic policies of 'SS4 – Future Opportunity Areas', which if RCC wish to pursue as fair and thoroughly reviewed adoptable policy, then a local plan review needs to be enforced imminently, either by the inclusion of a policy to review, or by the planning inspector. It is crucial that timescales, as set out in the LDS, are enforced through a policy mechanism. Otherwise, there is the risk of a local plan review 'slipping' further down the line, and the local authority running the risk of being susceptible to speculative applications.

It is acknowledged that the emerging NPPF will provide a framework over the transitional arrangements for local plans going through the process, which is not yet clear at the time of this consultation. However, there still needs to be some assurances of a review set through policy irrespective of this. This local plan process is acting as a placeholder for an upcoming review, of which there is a real risk, without proper policy requirement, of RCC continuing with this plan being adopted, with an annual requirement 122 units per annum, under their required amount. If a review policy isn't put in place, RCC could simply reschedule another LDS further down the line, which is common for local authorities to do, and end up with an adopted local plan with the incorrect housing requirement for several years.

Outcome required to resolve objection: The plan is unsound or justified without a policy mechanism with a framework and timescales of the commencement and implementation of a full local plan review, as per the timescales of the most recent Local Development Scheme. A policy should be implemented in this plan that addresses this and provides answerable timescales for a review. An LDS can be ignored and isn't sufficient framework to impose.

[1] Rutland Housing Market Need Assessment (August 2023) p70

[2] Rutland Housing Market Need Assessment (August 2023) p62

[3] ONS – Earnings and hours worked, place of residence by local authority: ASHE Table 8 (October 2024) – Annual pay

[4] Rutland Housing Market Need Assessment (August 2023) p60

[5] Rutland Housing Market Need Assessment (August 2023) p133

[6] Rutland Housing Market Need Assessment (August 2023) p144

[7] Rutland Local Development Scheme 2024-2028 (September 2024) p8

Policy CC2 Design Principles for Energy Efficient Buildings

Persimmon Homes welcome a policy on Energy Efficiency and the need for an Energy Statement to be submitted with planning applications to demonstrate how energy efficiency has been considered. Persimmon Homes also support the flexible wording of this policy.

With regards to items e) and f) Persimmon Homes are still of the view that the most effective vehicle for introducing such standards is through building regulations which is already happening with Part L requiring a 31% carbon reduction upon previous building regulations. Alongside this, there is also the move to a decentralised network.

Persimmon Homes had concerns as part of the Regulation 18 consultation that this policy and associated Whole Plan Viability (October 2023) did not recognise the cost implications of criteria point e) and f), particularly those associated with energy storage, which can be in the region of £5,000 to 10,000 per dwelling, with battery storage being very expensive.

A Regulation 19 Viability Note has been prepared by HDH Planning and Development Ltd in September 2024. On the discussion on Policies CC2, CC3 and CC4, at paragraph 4.5 of this report, it states that:
'The Council has confirmed that these policies are not seeking standards that are over and above Building Regulations and that whilst it is seeking Zero Carbon development, it is not mandating Zero Carbon standards.'

On the basis of the above Viability Note, Persimmon Homes are of the view that the wording should explicitly state that the policy is not requiring standards to exceed those required by Building Regulations.

Furthermore, Persimmon Homes are of the view that criteria e) and f) are both above the requirements set by Building Regulations, and the wording of this needs to be amended which encourages such provision or deleted.

Policy CC3 Resilient and Flexible Design

Persimmon Homes support the flexible nature of this policy, particularly with the level of detail to be provided being commensurate with the scale and type of application.

This Regulation 19 Plan includes the additional criteria point which refers to the potential to incorporate a green roof. Persimmon Homes are of the view that green roofs are more relevant to commercial/ industrial buildings rather than volume house building where few, if any, flat roofs are proposed. There is also the added complication with the future maintenance of green roofs on individual houses. Furthermore, incorporating green roofs are costly and these additional expenses have not been included within the Whole Plan Viability Assessment (2023) or the Rutland Regulation 19 Viability Note.

The HDH Planning and Development Ltd Regulation 19 Viability Note states at paragraph 4.5 in respect of policy CC3 that:

'The Council has confirmed that these policies are not seeking standards that are over and above Building Regulations and that whilst it is seeking Zero Carbon development, it is not mandating Zero Carbon standards.'

Green roofs and walls are not a requirement of Building Regulations.

For above reasons, Persimmon Homes are of the view this policy should encourage and support green roofs for commercial units, and it should explicitly state that the policy is not requiring standards to exceed those required by Building Regulations

Policy CC4 – Net Zero Carbon

Persimmon Homes are still of the view that climate change matters need to be led centrally through Building Regulations.

Notwithstanding the above, Persimmon Homes support the flexible wording of the policy, however, have concerns about how this will be implemented, particularly with the recognition within the policy that viability will be an issue.

In the Regulation Viability Note (August 2024) prepared by HDH Planning and Developments Ltd, with respect to policy CC4, it states at paragraph 4.5 that:

'The Council has confirmed that these policies are not seeking standards that are over and above Building Regulations and that whilst it is seeking Zero Carbon development, it is not mandating Zero Carbon standards.'

In the event that the policy remains, Persimmon Homes are of the view that it should explicitly state the policy is not requiring standards to exceed Building Regulations.

Policy CC5 – Embodied Carbon

Whilst the re-consultation on the Future Homes Standard does not include embodied carbon the government has set out in its consultation that it intends to consult in due course on its approach to measuring and reducing embodied carbon in new buildings. Persimmon Homes are still of the view that requirements in respect of embodied carbon should come through Building Regulations.

Notwithstanding the above, Persimmon Homes do support the flexible wording of this policy.

Policy CC6 – Water Efficiency and Sustainable Water Management

Persimmon Homes supports the clarification on the areas where permeable paving will be required within bullet point 1.

Persimmon Homes also support the extra flexibility incorporated into the wording of bullet point 2 (soft landscaping) where the words ‘must ensure’ have been replaced by ‘should consider’.

It is important to emphasise that there will be extra costs in meeting the requirements of this policy which have not been factored into the Whole Plan Viability Report (2023) or the Regulation 19 Viability Note. The extra costs of providing permeable paving is in the region of £50 and the costs of green roofs and walls is expensive, furthermore green walls and roofs are more suitable for commercial properties rather than volume housebuilding, where the type of product is less suitable for green roofs and walls and there is difficulty with management and maintenance.

Whilst it is recognised the wording of this policy includes the word ‘viable’, it would be unreasonable to expect all developments to provide viability assessments as part of the determination of this policy. As this policy is not supported by the Whole Plan Viability Assessment (2023) or the Regulation 19 Viability Note, Persimmon Homes are of the view that this policy should give encouragement to the criteria set out, particularly those elements that have significant cost implications.

Policy CC11 – Carbon Sinks

Persimmon Homes are still of the view that it is unclear the impact this policy would have on the viability of a scheme. The requirements of this policy are not considered in the Whole Plan Viability Report (2023) or the Regulation 19 Viability Note and this has not been updated as part of this Regulation 19 plan.

In the Council’s comments to representations received as part of the Regulation 18 Plan the Council have commented that:

‘It is likely that further work to update the cost evidence for a number of options for the wording of the Climate Change policies will be undertaken to inform the next stage of the local plan. This will build on the Whole Plan Viability Assessment (2023). Any changes to the draft policies arising from consultations responses and/ or new evidence on climate change will be consulted on through the Regulation 19 consultation.’

It is clear from this response that the Council do not have the cost evidence to support this policy and for this reason Persimmon Homes are of the view that this policy is not justified.

Policy H4 – Meeting all Housing Needs

Paragraph 1 of this policy requires that development should provide a range of house types and sizes and tenures to meet the general and specialist housing needs set out in the JG Consulting Housing Assessment 2023. Persimmon Homes are of the view that the affordable mix of dwellings should be informed by the

Housing Market Assessment. With respect to market housing, Persimmon Homes recognise that a range of house types need to be provided for within a development, however, are of the view that the mix of housing should be dictated by the market where choice is a more fundamental factor as documented in the Housing Market Assessment at page 172. Allowing for this flexibility will also allow for residential developments to respond to local circumstances as it is clearly evident in the HMA that there are vast differences between the different sub areas, also it is more likely that smaller units of accommodation, such as apartments, will come forward in the main towns within the county.

The wording of the policy needs to have a greater level of flexibility built into it with respect to market houses. For market housing, rather than being 'in line with Table 4 below', Persimmon Homes are of the view that this should be amended to 'give consideration to Table 4 below' that way local need, demand and circumstances can be considered alongside this. For market housing, Persimmon Homes are also of the view that housing demand also needs to be referred to within this policy. Demand is already referred to in criteria point b) of this policy but this needed to be extended.

On criteria point A, Persimmon Homes support the addition of the words 'where needed' within the policy. Persimmon Homes are also of the view that the words 'where needed' should be added into the final sentence of criteria a).

Policy H5 – Accessibility Standards

Paragraph 4 of this policy relates to the provision of M4(3) dwellings. Given that the Whole Plan Viability Assessment (2023) was undertaken on the basis of M4(3)a dwellings, Persimmon Homes are of the view this is specified in the policy. The cost of providing M4(3)b dwellings is significantly greater and the viability implications of this have not been considered as part of the Whole Plan Viability Assessment 2023 or the Regulation 19 Viability Note – September 2024.

Policy H6 – Self-Build and Custom House Building

The third paragraph of this policy now requires the provision of 2% self-custom build plots on developments of over 50 dwellings, whilst the Regulation 18 local plan encouraged self-build plots on larger developments. Persimmon Homes are of the view that the wording of this policy should revert to the Regulation 18 Plan re-wording. Persimmon Homes are of the view that self-building homes should be encouraged and the requirement for mandatory self-build homes is unjustified.

There is no evidence base to support this policy.

Paragraph: 023 reference id 57-023-201760 of the Planning Practice Guidance states that:
'Relevant authorities must give suitable development permissions to enough suitable serviced plots of land to meet demand for self-build and custom housebuilding to their area. The level of demand is established by reference to the number of entries added to an authorities register during a base period....'

Evidence from the Council’s Monitoring Report 1st April 2022 to 31st August (Revised edition June 2024) indicates that the authority can more than adequately provide for the required permissions to meet self-build plots based on policies that do not require the mandatory provision of self-build homes. Paragraph 6.10 from this Monitoring Report states:

‘From March 2016 to October 2023 (eight base periods), a total of 62 individuals/ associations have been added to Part 1 of the register. Since the start of the first three-year supply window, 64 suitable self-build permissions have been granted. The supply window for the last three base periods (6, 7 and 8) has not yet ended but the council expects to meet the demand set out in the register.’

Table 3b of the Monitoring Reports sets out the number of planning permissions that have been granted for self-build plots since the base year period 2 and it is interesting to note that for base year 8, planning permission was granted for 20 self-build plots, further questioning the need for a mandatory policy, as can be seen from the extract below:

Table 3b: Number of plots permissioned which meet the requirements of the legislation

Base Period 1 (March 2016 to October 2016)	Base Period 2 (October 2016 to October 2017)	Base Period 3 (October 2017 to October 2018)	Base Period 4 (October 2018 to October 2019)	Base Period 5 (October 2019 to October 2020)	Base Period 6 (October 2020 to October 2021)	Base Period 7 (October 2021 to October 2022)	Base Period 8 (October 2022 to October 2023)	Total (all base periods)
-	7	7	10	3	11	6	20	64

Table 3b: Numbers of Plots permissioned which meet the requirements of the legislation (Rutland County Council, Local Plan Authority Monitoring Report, 1st April 2022 – 31st March 2023 (Revised edition June 2024)

Notwithstanding the above, whilst the policy includes a cascade mechanism, Persimmon Homes are of the view that this should be amended to a period of 6 months whereby if a plot remains unsold it should revert back to the developer to be delivered as part of the overall scheme.

This policy also does not take into account the complexities / practicalities of delivering self-build houses alongside a larger residential development. Persimmon Homes have had practical experience of providing self-build homes on developments and are aware of the potential issues ensued with this. In particular, Persimmon Homes have found that as lead developer we have had a lack of control over individual developments coming forward, resulting in sites not being developed in a comprehensive manor, design quality issues as well as site management issues.

The wording of the policy is also inflexible and does not consider site specific factors to be taken into account, for example, in some areas there may not be a demand for self-build.

Furthermore, the mandatory requirement for self-build/ custom build is likely to have the impact of harming housing delivery in the county. The government is looking to speed up delivery of new homes and Persimmon

Homes is working alongside the Government to achieve higher rates of delivery on site, and this includes maximising efficiency on site and through the construction process. The company's practice mechanisms for deliver are such that houses can be delivered quickly. Self-build projects, however, are not able to deliver the levels of efficiency that Persimmon Homes can, and timescales are significantly in excess of the average time for a Persimmon Home to be constructed. As such on-plot self-build requirements slow down the delivery of homes on major sites which affects the Council's supply of homes. The Council is in effect substituting a proportion of expedited housing delivery on major sites with a proportion of slower and more unstable delivery from self-build.

It is also important to emphasise that are other ways for local authorities to explore the delivery of self-build homes, as stated in Paragraph 25, reference ID 57-025-20210508 of the Planning Practice Guidance, for example, through local authorities using their own land and working with local partners, Homes England and Neighbourhood Planning Groups as well as the allocation of land. No land has been allocated in the Regulation 19 Plan for self/ custom built homes.

Policy SC1 – Landscape Character

Persimmon Homes have no objections in principle to this policy, however, note that the word 'generally' has been removed from criteria part b of this policy. Persimmon Homes are of the view this should be reasserted to allow for some flexibility, just because a building may be on a ridgeline or watercourse does not necessarily mean it will impact on landscape character.

Policy SC5 – Designing Safer and Healthier Communities

Additional criteria have been added to this policy (e -g) which Persimmon Homes support in principle, in respect of criteria f) and g) it has to be recognised within the policy that sites have to be of a sufficient size to be able to accommodate these requirements.

The need for a Health Impact Assessment is discussed at the 2nd but last paragraph of this policy and the trigger for submission of a Health Impact Assessment has reduced from 50 dwellings to 10 dwellings. Persimmon Homes are of the view that a trigger of 10 dwellings is too low, with such proposals likely to be of an insufficient size to include public open space and infrastructure on site. For this reason, Persimmon Homes are of the view that the trigger should revert back to the 50-dwelling trigger in the Regulation 18 Local Plan.

Notwithstanding the above, Persimmon Homes do welcome the final paragraph of this policy which states that Health Impact Assessment should be commensurate to the scale of development. It also states within this paragraph that Health Impact Assessments should be carried out using the Council's Agreed template. Having searched the Council's website this document could not be found. To enable full comments to be provided on this policy, this template needs to be publicly available.

Policy SC7 – Provision of New Open Space

The open space requirements set out in this policy are significantly higher than those in place in the adopted Rutland Local Plan. Overall, there is an overall increase from 2.95ha to 5.43 ha per 1,000 population, with substantial increases for the provision of parks, gardens and amenity space and new substantial requirements for natural and semi natural alongside the addition of allotments and community gardens.

The evidence base for this policy is Environment Partnership’s ‘Open Space Assessment’ 2023. It is noted with respect to Parks and Gardens, the current Site Allocations and Policies Development Plan Document sets out a standard of 0.4ha per population (this figure also included amenity space provision), however, interestingly the Open Space Assessment states at paragraph 6.37 that the existing quantity standard is 0.75ha, this appears to be incorrect and needs to be reviewed.

Reading the Rutland County Council Open Space Assessment 2023 and the associated Executive Summary, Persimmon Homes is not of the view that the evidence in this assessment justifies increasing the open space standards to such the extent they are proposed.

This position is summed up well in the Quantity Assessment and Standards Summary from the Open Space Assessment Executive Summary (July 23) which states:

‘As of 2020 the population for the County was 40,476 using the proposed standard, there is a current deficiency in the provision of children and young people (0.11ha per 1,000 population). There is a current surplus for all other typologies.’

‘The future population of Rutland is projected to be 45,487 by 2041 when compared to the current provision of open space, this increase in population would result in a quantitative deficiency in the provision for children and young people (-0.12ha per 1,000 population). All other typologies have a future surplus at a county level.’

‘It is important to note that a surplus in any typology does not mean sites are surplus to requirement, rather the current provision exceeds the minimum standard.’

Existing provision and projected provision to 2041 based on the proposed principles is shown below in table 2 from the ‘Open Space Assessment’ and associated ‘Executive Summary.’

Table 2: A table showing the Rutland Open Space Provision by Typology

Open Space Typology	Proposed Standard (ha per 1,000)	2020 ha per 1,000	2020 Surplus/Deficiency	2041 ha Per 1,000	2041 Surplus /Deficiency
Allotments and Community Gardens	0.23	0.40	0.17	0.36	0.13
Amenity Greenspace	0.75	2.03	1.28	1.81	1.06
Cemeteries and Burial Grounds	No Standard	0.66	-	0.58	-
Civic Spaces	No Standard	0.01	-	0.01	-
Natural and Semi-Natural Greenspace	1.80	6.52	4.72	5.80	4.00
Outdoor Sports Facilities	1.60	31.04	29.44	27.62	26.02
Parks and Gardens	0.80	19.47	18.67	17.32	16.52
Provision for Children and Young People	0.25	0.14	-0.11	0.13	-0.12

Whilst Persimmon Homes understand the importance of providing open space on site, it is not however considered that the blanket application of the benchmark standards ('Guidance for Outdoor Sport and Play - Beyond the Six Acre Standard 2020') has been justified for Rutland in this assessment.

It is clear from the assessment for all typologies that the levels of open space provision in 2020 (with the exception of provision for children and young people space), that quantity standards are significantly exceeded, and this would also be the case when applying the benchmark standards.

Whilst Persimmon Homes recognise the need for the open space standards to be reviewed, and the need to include all typologies, local justification is required rather than just applying the Benchmark standard. Persimmon Homes are of view that further assessment work is needed in this regard.

Persimmon Homes support the inclusion within this policy of the links with wider green and blue infrastructure and the need for open space to deliver a biodiversity net gain on site in line with policy EN3 of the Regulation 19 of the Local Plan.

Policy EN1 – Protection of Sites, Habitats and Species

Paragraph 4 of this policy states that developments are expected to protect and enhance irreplaceable habits within Rutland, including ancient woodlands, ancient and veteran trees and priority calcareous and neutral grasslands. It is however noted that calcareous and neutral grasslands are not specified as irreplaceable habitats in The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 (a Schedule is included within these Regulations that sets out the following habitat as irreplaceable; blanket bog; lowland fens; limestone pavements; coastal sand dunes, ancient woodland, ancient trees and veteran trees, spartina

saltmarsh swards and mediterranean saltmarsh scrub). Persimmon Homes are of the view the habitat referred to in this policy should match those as set out in the Regulations.

It is noted that some of the requirements of this policy are covered by other policies within the local plan, for example, criteria point c) biodiversity net gain which is covered in detail by policy EN3. Persimmon Homes are of the view that this policy should not duplicate other policies included in the Plan.

Policy EN3 - Delivering Biodiversity Net Gain

Persimmon Homes supports the reduction in biodiversity gain from 15% to 10% and the inclusion of criteria f) of the policy which allows for the purchase of credits as a last resort.

It would appear the last sentence of this policy is unfinished ('Policy Guidance on the requirements and processes for planning applications').

Policy EN4 – Trees, Woodlands, and Hedgerows

Persimmon Homes supports the amendments to the wording of the policy in respect of 'Managing the Loss of Trees and Woodland.'

Under 'New Trees and Woodland' Persimmon Homes are of the view that under criteria c) the words 'where possible' should be added to the end of the sentence. This additional wording would recognise the fact that it may not always be possible to connect areas up.

The final sentence of the 2nd paragraph under 'Management and Maintenance' states that '*Mature shrubs can also have considerable wildlife value and may form part of the natural succession to mature woodland, so should be retained.*'

Whilst it is recognised the contribution that mature shrubs can make, Persimmon Homes do not consider there should be a blanket requirement for their retention. An element of flexibility needs to be included within the policy, as is the case with the policy requirements for 'Hedgerows' – it may not always be appropriate or practical to retain mature shrubs within a development. For this reason, Persimmon Homes are of the view 'where appropriate' be added to the end of the sentence.

Policy EN6 – Protecting Agricultural Land

Persimmon Homes recognise the importance of protecting higher quality agricultural land. Persimmon Homes do however consider there should be some flexibility in the wording of this policy. Whilst it is noted from the Council's response to representations received under the Regulation 18 Local Plan that this matter will be

considered as part of the allocation process, which is welcomed, this does not provide for the eventuality that applications of any description could be submitted for development which is not an allocated site.

Policy EN7: Green and Blue Infrastructure

Persimmon Homes would comment on criteria point e) that this policy applies to publicly accessible land. Persimmon Homes suggest the first part of this criteria point be amended to read 'resisting development resulting in the loss of publicly accessible blue/green infrastructure.'

Policy INF2 – Securing Sustainable Transport

Criteria point h) of this policy requires that developments provide levels of car parking in line with the Council's published car parking standards at Appendix 5. Persimmon Homes have no objections to the allocated parking space requirements as set out in table 1 of Appendix 5, however the shared/ communal parking spaces appear excessive, for example a dwelling with 3 habitable rooms will require 3 ½ parking spaces. The provision of such a high number of parking spaces is likely to result in a car park dominated development which could potentially be unsafe for non-car users. A balanced approach to parking provision, when used as part of a package of measures, can promote sustainable transport choices and provide attractive and safe environments whilst ensuring that sufficient parking is provided to meet local needs.

Paragraph 111 of the National Planning Policy Framework sets out that local parking policies need to take account of a) the accessibility of the development b) the type, mix and use of development c) the availability of and opportunities for public transport d) local car ownership levels and e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. There appears to be no evidence base put forward by the Council to show how these different criteria have been considered in the development of this policy.

Appendix 1 – Extract from ‘Table 1: Potential Housing Allocations – Site Selection Conclusions’ (Housing and Employment Site Assessment Report, July 2024)

Site ID	SHELAA Reference	Name of site	Proposed Use	Indicative Number dwellings /commercial floorspace	Is site excluded from further analysis?	Reasons for exclusion from further analysis
68	KET03	Land at Bartles Hollow, Ketton	Residential	99	Yes	Site has planning permission allowed on appeal.
64	KET22	Ketton Library	Residential	2	Yes	Site no longer considered available for development.
26	KET21	Ketton Cement Works Area of Search	Minerals	n/a	Yes	Area is suitable for the proposed Minerals Area of Search. This has previously been identified and should be retained as a designation in the new Local Plan. No further assessment required
4494	LAN12	Land on the east side of Ashwell Road, Langham	Residential	80	Yes	The site is significantly constrained due to flood zone 3 on more than 50% of site.
3613	LAN15	Land on Melton Road, Langham	Residential	151	Yes	Site is detached from the PLD of Langham.
74	LAN13	Land on North side of Cold Overton Road, Langham	Residential	109	Yes	Site has planning permission 2021/1423/MAO for 50 dwellings. Site is considered as a suitable site.
14	LAN07	Land at Burley Road, Langham	Residential	39	Yes	Site is detached from the PLD of Langham (93.98m away) but is adjacent to the CA boundary and recreation ground.
33	MAN05	Lyndon Road, Manton	Residential	93	Yes	Site is not within or adjacent a PLD. Development in this location would be isolated and in open countryside.
16	MAN04	Land Adjacent To Cemetery Cemetery Lane, Manton Rutland	Residential	55	Yes	Not adjacent to a PLD of Manton.

Appendix 2 – PHEM Assessment of Site ID74

ID
74

Name of site
Land on North side of Cold Overton Road, Langham

SHELAA Reference
LAN13

Gross Site Area
6.04

Net Site Area
3.62

Type of site
Residential Greenfield

Current land use/character of site (Please mark all that apply)
Agriculture

Indicative Number of dwellings
109

Indicative Floor Space

Please indicate the approximate timescale for availability:
Immediately

Location Map



Stage 1

Is site located adjacent to or within the built up area of Oakham, Uppingham, Stamford or a Larger Village, or capable of delivering a new stand-alone settlement?

Yes

Comments: Relationship to settlement

Within the Langham PLD

Planning permission in place for housing which is not yet implemented in full and is included in the Five-Year Land Supply Monitoring Report

Yes

Comments: Planning Permission

Site has planning permission. 2021/1423/MAO

Is the site wholly or predominately within a SSSI or European Nature Conservation Site (SPA/RAMSAR)?

No

Comments: SSSI

Does the site wholly or predominately contain a Scheduled Monument?

No

Comments: Scheduled Monument

2808.86M – Oakham motte and bailey and medieval gardens

Is residential site lying wholly or mostly (more than 50%) within Flood Zone 3.

No

Comments: Flood zone 3

Flood Zone 1

Is site excluded from further analysis?

Yes

Reasons for exclusion from further analysis

Site has planning Permission 2021/1423/MAO for 50 dwellings. Site is considered as a suitable site.

Stage 2a

SSSI Impact Risk Zones

GREEN = Not within an SSSI IRZ

Proximity to a Local Wildlife Site

GREEN = >50m

Proximity to a BAP priority habitat

GREEN = >50m

But is located next to a Deciduous Habitat. (Not sure if it classes as a BAP Priority habitat).

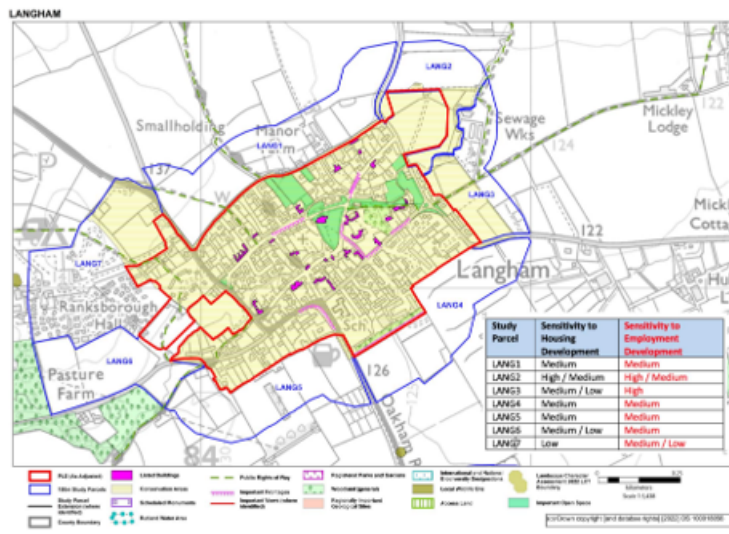
Biodiversity

Landscape sensitivity

AMBER = Medium/Low

Landscape Sensitivity Comments

The sensitivity of the area is limited to its modest levels of enclosure provided by some mature hedgerows and hedgerow tree. In most respects the parcel does not display landscape components, character or condition which offer strong landscape value, but its pastoral character to the eastern parts and medium to small scale field pattern contrast to wide open landscape scale across Oakham Road within LANG4. Landscape and visual value may be derived from this enclosure and remaining pasture and more complete hedges to its western parts. The parcel is however important in maintaining a perceptual, and potentially visual separation between the village and Barleythorpe to the south, although to a lesser extent than LANG4 affords to the separation with Oakham. Views from the two roads entering the village would differ at each flank of the parcel. From the west on Cold Overton Road views into the parcel across a narrow part of LANG6 are restricted. Slightly more open views arise across low hedges and the flat approaches along the Oakham Road. Hedgerow loss and absence of hedgerow trees to the western parts would not afford immediate natural or established screening potential within that area, although woodlands just beyond the western fringe of the parcel would present some landscape enclosure, although this area is poorly related to the village form. Development within the eastern parts of the parcel adjacent to Oakham Road would be prominent and would re-define the gateway to the village, but in relatively near views only from the south. Wider landscape impact would generally be modest overall. Modest existing ecological value of the study parcel could be enhanced significantly by landscaping and integrated Green Infrastructure. Development within the parcel would potentially have a diluting effect on established settlement form which remains nuclear, and more harmful towards the western areas. (Taken from the Rutland Settlement Landscape Sensitivity Assessment – Final Report, July 2023, Part 2B)



Proximity to a Registered Park or Garden

GREEN = >50m

Proximity to a Scheduled Monument

GREEN = >50m

Proximity to a listed building

GREEN = >50m

Tree Preservation Orders

GREEN = Site does not intersect with TPO

Agricultural land quality

AMBER = Grade 3

Fluvial flood risk

GREEN = Flood risk zone 1

Surface water flood risk

GREEN = No areas of surface water flood risk are present in the site

Groundwater Source Protection Zones (SPZs)

GREEN = Not within an SPZ

Open space

GREEN = No loss of public open space

Minerals

GREEN = Does not intersect with a Minerals Safeguarding Area

Employment site

GREEN = No loss of allocated employment site

Primary schools

256m – Langham C of E Primary School

Secondary schools

2,308 – Catmose College

Topography

GREEN = Relatively flat with no topographical constraints to development

Biodiversity – International and National Designations (SSSI, SAC, SPA and Ramsar)

GREEN = Not within a Natural England Impact Zone, or within a Natural England Impact Zone but is unlikely to have an adverse impact on any designated site, meaning that Natural England consultation not required

Biodiversity – Local Designations

GREEN = Less significant or negligible impacts on Local Wildlife Sites, protected species and Biodiversity Action Plan (BAP) priority habitats

Settlement Planned Limits of Development

AMBER = Edged on 1-2 sides

Heritage Assets

GREEN = No impact on heritage asset or setting

Archaeology

AMBER = Some impact which could be mitigated (e.g. affect an archaeological site and/or the setting)

Green Infrastructure

GREEN = Not a public open space/recreation facility - so no loss/impact

Important Open Space

GREEN = Not designated

Water Conservation and Management – Flood Risk

GREEN = No flood risk or minimal downstream flood risk

Restoration and after use (Minerals sites only)

Waste Management (Minerals sites only)

Access

Through the site that already has planning

Impact on wider road network

None

Rights of way

GREEN = Doesn't affect the site.

Suitable?

Amber

Suitability (2a)

To be assessed in detail at stage 2b

Does the site pass the stage 2a screening process?

Yes

Stage 2b

Proximity to a Conservation Area

GREEN = >50m

Previously Developed Land

RED = Greenfield

Topography

Trees: Tree Officer Comments

Biodiversity Study

Ecology Designations: Principal Ecologist Comments

Heritage: Conservation Officer Comments

Archaeology: Principal Archaeologist Comments

Landscape

Flood Risk: LLFA Comments

Environmental Health & Contamination: Environment Health Team Comments (if required)

Highways: Highway Officer Comments

Impact on wider road network: Highway Officer Comments

Parish Council Comments

Consultation responses

Availability

~~Achievability~~ - **The build out rate assumption for the site is:**

Less than 100 dwellings- will be built out within five years

Overcoming constraints

Located next to a Deciduous Woodland - may require assessment of land quality to determine likely impact

Conclusion