

Response on behalf of William Davis to the Regulation 19 pre-submission draft Local Plan Consultation for the new Rutland Local Plan

**Response to the pre-submission draft Local Plan Consultation (Regulation 19)**

- 1.1 This response has been prepared by Cerda Planning Ltd on behalf of William Davis Ltd in response to the Regulation 19 pre-submission draft Local Plan for Rutland County. Cerda Planning Ltd has been instructed on the basis that William Davis has an interest in a site in Uppingham and therefore the representations focus on the spatial strategy of the draft Local Plan and the delivery of housing across Rutland, but primarily focussing upon the settlement of Uppingham.

**Background to the emerging Local Plan**

- 1.2 Prior to this Regulation 19 Consultation Rutland County Council undertook a Regulation 18 Consultation, which ran for eight weeks from Monday 13<sup>th</sup> November 2023 to Monday 8<sup>th</sup> January 2024. The Regulation 18 Consultation was for the 'Preferred Options' part of Plan Preparation and covered the strategic vision, objectives and spatial strategy for the County, as well as the planning policies which will help to determine the future location, scale, type and design of new development in Rutland.
- 1.3 The 'Preferred Option' of the Regulation 18 Consultation is for the lowest number of annual dwellings previously considered at Issues and Options stage, which is carried forward into this Regulation 19 Consultation. The level of growth proposed was covered by the previous Issues and Options Consultation, which ran from Thursday 30<sup>th</sup> June 2022 until Friday 30<sup>th</sup> September 2022. The three options for housing growth in the County, which were consulted upon at the Issues and Options Stage, were as follows:
- Option A: Apply Government LHN of 140 dwellings per annum with a contingency of 10%
  - Option B : Apply the SHMA housing market analysis of 160 dwellings per annum with 10% contingency
  - Option C :Apply the higher position from the 2019 SHMA housing market analysis of 190 dwellings per annum with a 10% contingency
- 1.4 Option A was chosen, although the annual number of dwellings was further reduced to 123 dwellings per annum at Regulation 19 Consultation stage. It is this level of growth that is identified in the Regulation 19 pre-submission draft Local Plan and this is the minimum number of dwellings considered at Issues and Options Stage, although it is of course calculated based on the current national standard method figure for housing need. However, whilst the proposed level of annual housing growth does satisfy the

national standard method for calculating housing need it does result in very few site allocations for residential growth across the County and in the case of Uppingham, as will be demonstrated below, these site allocations are entirely provided for by an as-yet 'unmade' Neighbourhood Plan and of those 5 allocations within the Neighbourhood Plan the delivery of two of them is questionable due to issues with site access.

- 1.5 On 12<sup>th</sup> April 2024 the Independent Assessor held a hearing to review the draft revised Uppingham Neighbourhood Plan. The Neighbourhood Plan website confirms that he 'raised some points regarding density and site selection on which he seeks further information from us, and we are currently working towards providing that to him'. No further information on exactly what those issues were are available on the Neighbourhood Plan website.
- 1.6 The October 2024 update on the Neighbourhood Plan website states that a Planning Consultant has been appointed to help address the Independent Assessor's concerns and that two documents have been produced, titled Housing Discussion Paper September 2024 and Retail Discussion Paper September 2024. Although it states that these documents are available to view on the website, they are not available and there is no further information that has been posted since.
- 1.7 Due to Rutland County Council's withdrawal of the previous draft Local Plan there is no timetable on the Neighbourhood Plan website to indicate that the Neighbourhood Plan would be 'made' concurrently with the adoption of the Rutland Local Plan and therefore there is no certainty from a site allocations and plan-making point of view that Uppingham will have any sites allocated for residential development when the Local Plan is adopted, based on the current Regulation 19 pre-submission version of the Plan.

### **Regulation 19 Consultation Observations**

- 1.8 The response to the Regulation 19 Consultation below is submitted to comment on whether the Local Plan is 'sound'. In order for a Local Plan to be found 'sound' it must meet the four tests in Paragraph 35 of the National Planning Policy Framework (NPPF) which state that plans must be:

*a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

*b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*

*c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*

*d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.*

- 1.9 It is considered that the new Local Plan pre-submission draft would not be sound and this is explained below based on the four criteria of Paragraph 35 of the NPPF.

### **Positively Prepared**

- 1.10 The first criteria as to whether a plan is 'sound' is whether it has been positively prepared – one that as a minimum seeks to meet the area's objectively assessed needs. The key element here is the reference to 'as a minimum'. The previous Issues and Options Consultation sought views on a number of options for growth. The Standard Method for assessing housing need was applied and at Regulation 18 Consultation stage this identified a need of 123 dwellings per year or a total of 2460 over the plan period (2021-2041), which has now been taken forward into this pre-submission draft.
- 1.11 Policy SS1 of the pre-submission draft Local Plan identifies the spatial strategy for new development within the County, including the number of dwellings required per annum over the plan period and identifies that the focus for housing development within the Planned Limits of Development (PLDs) of Oakham (and Barleythorpe) and Uppingham, and on land adjacent to Stamford (which lies within South Kesteven District adjoining the County boundary).
- 1.12 At the Regulation 18 Consultation Cerda Planning Ltd, on behalf of William Davis Ltd, confirmed support for the emerging Local Plan, but identified that the housing numbers for Uppingham, which is arguably equally important within the county to Oakham in terms of where it falls within the settlement hierarchy, had a total of 513 dwellings allocated to it irrespective of whether the Standard Method of housing was applied to the county (i.e. the minimum level of growth) or the higher options for growth of 160 dwellings and 210 dwellings per annum for the county.
- 1.13 It is considered that the pre-submission draft, which settles for the lowest amount of growth of 123 dwellings per annum, would negatively impact future growth levels for the County, but also for Uppingham. This is because the Plan now provides for a total of 2,705 dwellings over the plan period, but a significant number of them are completions and commitments since 31/03/2021. In total 1,516 of the overall 2,705 dwelling allocation for the plan period has already been met.
- 1.14 The residual requirement is 1,189 for the remainder of the plan period until 2041, of which a significant portion (650) are allocated for Stamford North and the next most-significant amount is for Uppingham, with 314 dwellings required. These dwellings are intended to be allocated solely through the Neighbourhood Plan and, as stated above, there is a risk that neither the Neighbourhood Plan is 'made', nor 2 of the 5 proposed allocations in the Neighbourhood Plan come forward, meaning that there is a significant shortfall in allocated sites in the Local Plan for Uppingham in future.
- 1.15 Uppingham is identified by Policy SS1 as the highest tier settlement along with Oakham within the County and in order for it to continue to be a sustainable settlement it needs to grow to provide increased and improved services for its residents. Low future housing growth rates in Uppingham would potentially result in the very viability of improved services being questioned and not coming forward, all to the detriment of the existing residents of Uppingham. The example, in this case, would be an extension to the existing supermarket or the provision of an additional supermarket, which is referred to in both the Local Plan in Policy E1.2 and the Neighbourhood Plan in Policy BE1 (Uppingham

Gate); the likelihood of either happening without increased housing growth over the plan period is less certain and it is for this reason the plan cannot be confirmed to have been positively prepared, as the lack of certainty of housing growth for Uppingham, in particular allocated sites in the Local Plan, is a potential threat to the future sustainability of existing services, let alone new and improved services.

- 1.16 In fact, it could be argued that in respect of the settlement of Uppingham it has been anything but positively prepared. The whole allocation over the plan period for Oakham is 515 dwellings, of which 201 have already been completed since 31/03/2021 (see table in Policy H1 of the pre-submission draft). This means that the remaining dwellings required for the plan period 2021-2041 for Uppingham falls to 314, of which all dwellings will be allocated by the Neighbourhood Plan.
- 1.17 The Neighbourhood Plan for Uppingham is yet to be 'made' but it proposes to allocate a total of 513 dwellings which is to be supported. However, of this total, 183 dwellings are existing commitments (land North of Leicester Road - 2019/0524/OUT – and land South of Leicester Road - 2022/0296/RES. This therefore leaves allocations of 330 dwellings (in excess of the Local Plan requirement for 314 dwellings) across a total of 5 sites. For a settlement of the size of Uppingham this is arguably insufficient as one of two highest tier settlements within the County it has the services and facilities to cope with increased housing growth, but also needs those increased levels of growth to continue to be a growing, sustainable, highest tier settlement within the County.
- 1.18 The Neighbourhood Plan is further impacted by constraints placed on two of the allocations, which amount to 120 of those 330 dwellings. Allocations U-HA4 and U-HA5 (The Beeches and land of Goldcrest respectively) are conditioned through the Neighbourhood Plan to have a 'collaborative access approach with neighbouring site owners' before they can come forward. As such it is likely that only 210 dwellings will realistically come forward in Uppingham over the plan period, which is 104 dwellings less than the 314 dwellings proposed by Policy H1.
- 1.19 The pre-submission draft therefore is seeking to provide the minimum number of dwellings for Uppingham based on the Standard Method and as the responsibility for allocating these sites is delegated to an as-yet 'made' Neighbourhood Plan there is a real risk that, prior to the adoption of the emerging Local Plan, it is already under-delivering much needed housing for Uppingham.
- 1.20 Returning to the Local Plan and how it negatively impacts Uppingham in terms of housing provision, the table in Policy H1 – Sites Proposed for Residential Development identifies a potential further flaw as to whether the plan has indeed been prepared positively. All of the locations within the table have a minimum requirement and the residual requirement is planned for. However, looking at the county total, the minimum requirement of 2705 does not appear to have planned for the two proposed Future Opportunity Areas at St George's Barracks and the Woolfox Depot. Whilst Policy SS4 – Future Opportunity Areas – does not seek to allocate these sites for housing there is the potential for either site to become available for development earlier than planned within the plan period. These sites had previously been considered as housing allocations and they would be suitable, although the draft pre-submission Local Plan seeks to identify them as development sites in the future at a far later date.

- 1.21 Should some housing development come forward earlier in the plan period at the Future Opportunity Areas this could again threaten future housing delivery in Uppingham. The Future Opportunity Areas are not expressly allocated for specific housing numbers in this emerging plan. However, Policy SS4 – Future Opportunity Areas is worded in such a way as to allow for a large number of dwellings to come forward at an as-yet unspecified future date up until 2041. The concern here is that the emerging Local Plan is not positively planning for housing growth by allocating sites, but instead is identifying two large sites that may or may not come forward, but without directly allocating them for residential development. As a result of taking this approach all existing settlements in the county, including Uppingham, could be considered to be under-allocated for in respect of housing growth as there is an assumption that some levels of unspecified housing will come forward within the Future Opportunity Areas at an unspecified future date.
- 1.22 Notwithstanding the potential impact of the Future Opportunity Areas it is considered that positively preparing the Local Plan for the settlement of Uppingham would mean that sites are allocated for at least 330 dwellings, if not more, to guard against the potential that allocations U-HA4 and U-HA5 in the Neighbourhood Plan that might never come forward, as well as the significant housing growth that may also not come forward at the Future Opportunity Areas.

### **Justified**

- 1.23 The requirement for a Local Plan to be positively prepared also links closely with whether the plan is justified. The requirement is that an appropriate strategy, which takes into account reasonable alternatives, is developed and is based on proportionate evidence. It is the view of Cerda Planning Ltd that the Plan is too vague in respect of the Future Opportunity Areas policy and this threatens the very allocations made by the Plan and could potentially have an adverse impact upon Rutland County to meet its housing numbers for the plan period. The Future Opportunity Areas policy gives no certainty, particularly as neither site is a housing allocation, and there seems to be no justification for this approach. In addition, there is a reliance on housing allocations for Uppingham coming forward solely from an as-yet unmade Neighbourhood Plan.
- 1.24 It is therefore suggested that whilst the Local Plan could continue with this approach in order to be justified reasonable alternatives could also be included; this would mean some small additional allocations in towns such as Uppingham. These smaller allocations would not derail the spatial approach of the plan or threaten to overwhelm the county with housing growth but would instead provide for growth were either some of the more difficult sites in the Neighbourhood Plan not come forward or the Future Opportunity Areas prove to be so complex that their delivery is not until the next plan period.

### **Effective**

- 1.25 It is questionable whether the proposed numbers are deliverable over the plan period, particularly as the Future Opportunity Areas are not specific allocations for a total number of dwellings per se but are instead mixed use allocations with flexibility for a number of land uses to come forward. Again, this is not necessarily detrimental to the plan, but without a back-up or alternative method for ensuring the allocation of sites for delivery of the Standard Method of housing numbers as a minimum, there is no certainty that the 2460 dwellings will be delivered up until 2041.



## **Consistent with National Policy**

- 1.26 The plan is generally consistent with the NPPF in all other regards, but the outstanding question is whether it offers too much flexibility in how the residual requirement of 1189 dwellings will be provided for over the plan period and whether more sites in and around the larger settlements of Oakham and Uppingham should be allocated to achieve certainty over the plan period is debateable.

## **Consultation of the National Planning Policy Framework**

- 1.27 The government published a consultation version of a revised National Planning Policy Framework in July 2024. The consultation ran until September 2024 and the government is currently considering those responses and is aiming to publish an updated version of the National Planning Policy Framework before the end of 2024, with the date as yet unconfirmed. This is particularly relevant to the draft pre-submission Rutland County Council Local Plan, as the consultation draft of the National Planning Policy Framework includes a revised standard method for calculating housing need.
- 1.28 At present the Standard Method calculation for housing need results in an annual requirement of 123 dwellings for Rutland County. The proposed Standard Method calculation will more than double that requirement to 264 dwellings per annum, which would mean that if the proposed Standard Method becomes the default method for calculating housing need Rutland County would require 5,280 dwellings over the plan period to 2041.
- 1.29 There are transitional arrangements within the consultation draft of the National Planning Policy Framework which cover this exact scenario. Paragraph 226(a) states that the policies in the Framework would not apply where 'the emerging annual housing requirement in a local plan that reaches or has reached Regulation 1984 (pre-submission stage) on or before [publication date + one month] is no more than 200 dwellings below the published relevant Local Housing Need figure'. This paragraph means that should the draft pre-submission Local Plan proceed to adoption there would be no need for an immediate Local Plan review as the additional dwelling requirement is less than 200. However, the local housing need would remain at 264 dwellings per annum and at the point of a future plan review there would be an immediate doubling of the annual housing need, along with a requirement to provide the shortfall.
- 1.30 Therefore, whilst the consultation National Planning Policy Framework does not require an immediate plan review for the pre-submission draft Rutland Local Plan, it is considered that due to the potential doubling of annual housing need it would be against the aims and objectives of the National Planning Policy Framework to not do so. Alternatively, there is time for this to be considered as part of the Regulation 19 process and for the additional housing need to be addressed and sites allocated to meet that need, hence why Cerda Planning Ltd, on behalf of William Davis Ltd, supports a higher housing requirement for Rutland than the 123 per annum identified and, in particular, would support the allocation of additional housing sites in and around Uppingham within the Local Plan.
- 1.31 Whilst the transitional arrangements do not call for an immediate review, in order for the Plan to be considered to have been positively prepared, the future housing need based

on the consultation version of the National Planning Policy Framework can and should be taken into account.

### **Policy SS1 – Spatial Strategy for New Development**

- 1.32 The following is a re-cap of policy-specific comments made at Regulation 18 stage:
- 1.33 Policy SS1 is the spatial policy for the county for the 20-year plan period 2021-2041. The policy seeks to allocate land for a total of 2,460 new dwellings across the plan period, which results in at least 123 dwellings per annum. The policy identifies growth within the Planned Limits of Development (PLDs) of Oakham, Uppingham and land adjacent to Stamford, along with 21 defined Larger Villages, with some limited small-scale redevelopment and infill opportunities in a further 30 smaller villages and hamlets.
- 1.34 Whilst the direction of Policy SS1 is still supported, identifying Uppingham as one of the main areas for housing growth, it is considered that the overall number of dwellings required annually for Rutland, which is at least 123 dwellings, would in reality result in a level of housing delivery which is lower than the current level, which is 160 dwellings per annum, as stated in Paragraph 6.6 of the Sustainability Appraisal and was identified by Cerda Planning Ltd at Regulation 18 stage.
- 1.35 It continues to be suggested that the overall number of dwellings required during the plan period should be increased to the economic growth strategy level as referred to in Paragraph 6.6 of the Sustainability Appraisal, so that growth is shared amongst the most sustainable settlements and, in addition, that the wording of Policy SS1 is amended to ensure that greater levels of housing growth are accommodated in Uppingham, given that the Local Plan identifies it as one of the most sustainable locations in the County for new housing development.
- 1.36 This suggestion by Cerda Planning Ltd has not been taken forward from Regulation 18 Consultation and at Regulation 19 stage, where the consideration is whether the plan is 'sound' or not, raises the question as to whether the plan has been 'positively prepared' or not.

### **Policy H1 – Sites Proposed for Residential Development**

- 1.37 Policy H1 is the detailed housing policy of the emerging Local Plan. It identifies sites for growth and in the case of Uppingham it identifies a total of 314 dwellings, which are to be allocated through the emerging Uppingham Neighbourhood Plan. The emerging Neighbourhood Plan has recently been consulted upon and proposes delivering 513 dwellings through existing commitments and additional allocations within the Neighbourhood Plan area of Uppingham, of which 183 already benefit from planning permission, resulting in a total of 330 dwellings allocated by the Neighbourhood Plan.
- 1.38 As stated previously, sites U-HA4 and U-HA5 have difficult access arrangements, as stated in the Neighbourhood Plan, and are proposed as longer-term allocations due to the difficulty in achieving access to the sites. Access to these two sites is potentially ransomed due to neighbouring land being in different ownership and therefore it may take time to identify suitable means of access to both sites. It may be the case that these allocations may prove more difficult to deliver than has been considered as part of the Neighbourhood Plan. As such, due to the potential delay to these sites coming

forward over the whole plan period, we would support a wider allocation of land for housing to the north and northeast of the existing built form of Uppingham, set within the boundaries of the A47 to the north and Glaston Road to the east, to ensure that any delays in delivery of sites U-HA4 and U-HA5 can be met on immediately adjacent sites.

- 1.39 Given that Policy SS1 identifies Uppingham as a sustainable location for housing growth it is considered that the overall allocation of dwellings to Uppingham as part of the emerging Local Plan should be increased above the 314 dwellings now identified in Policy H1 – Sites proposed for residential development of the draft pre-submission Local Plan.

## **Conclusion**

- 1.40 The pre-submission draft Local Plan considers Uppingham to be a sustainable location for growth. However, it makes no provision for allocating any sites for housing development within Uppingham and instead defers this to the as-yet unmade Neighbourhood Plan. Uppingham should not be limited as a second tier 'Small Town' subordinate to Oakham, as the 'Main Town', but instead should be treated equally as important as Oakham in the settlement hierarchy.
- 1.41 Referring back to Paragraph 73 of the NPPF, it states that 'the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as... significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities'. By increasing the number of allocations for housing for Uppingham there would be a mutually beneficial outcome for the increase in provision of new dwellings, but also the demand for additional services and facilities to support those dwellings, ensuring the future sustainability of the town centre.
- 1.42 Cerda Planning Ltd, on behalf of William Davis Ltd, confirms that the settlement hierarchy in the draft pre-submission Local Plan is supported as it identifies Uppingham as one of three main areas of housing growth in Rutland County. However, Policies SS1 and H1 should and could be far more ambitious than simply seek to provide the minimum housing numbers required under the Standard Method and should instead seek to provide higher rates of housing growth.
- 1.43 Due to the progress to date with the Neighbourhood Plan the Local Plan should seek to allocate additional sites for growth to give Uppingham, if not the whole County, further certainty regarding future housing and economic growth. As stated during the Regulation 18 Consultation, Cerda Planning Ltd, on behalf of William Davis Ltd, supports the economic growth strategy level of 4,200 dwellings across the plan period. This submission identifies that if the lower level of growth of 2460 dwellings until 2041 is chosen then the plan may fail to meet all four criteria within Paragraph 35 of the NPPF and thus the plan may not be 'sound'.

**Cerda Planning**  
**21<sup>st</sup> November 2024**