

# A Review of the Sustainability Appraisal (SA) supporting the Rutland County Council Regulation 19 Draft Local Plan

Land off Brooke Road, Oakham

November 2024

Colin Morrison  
Colin.morrison@turley.co.uk

**Client**

Taylor Wimpey

**Our reference**

02182

2 December 2024

# 1. Introduction

1. This report presents the outcomes of a review of the Sustainability Appraisal (SA) Documents supporting both the Regulation 18 and 19 versions of the Rutland County Council (RCC) Local Plan. This is in response to a current consultation by RCC on their Regulation 19 draft Local Plan (hereafter referred to as the Draft Plan).
2. This report presents a number of deficiencies with the SA which have been presented in these representations. Collectively, we are of the opinion that this results in an unsound plan which has failed to meet the legal requirements of the Environmental Assessment of Plans and Programmes Regulations (hereafter referred to as the SEA Regulations). We have identified four major concerns with the SA which are:
  - 2.1 Failure to reassess the preferred spatial distribution strategy following significant amendments to the strategy following the Regulation 18 consultation.
  - 2.2 Failure to present the reasons for the selection or rejection of the housing allocations (reasonable alternatives) to meet the spatial strategy.
  - 2.3 Failure to assess the sustainability performance of the spatial distribution options with respect to the inclusion of Stamford North; and
  - 2.4 A review of the Sustainability performance of Land off Brooke Road to demonstrate it is a more sustainable option than the allocation at Oakham and that at Empingham.
3. Our representations below present each of our concerns in greater detail.

## **Failure to reassess the preferred spatial distribution strategy following significant amendments to the strategy following the Regulation 18 consultation.**

4. Section 6 of the Regulation 19 SA presents a summary of the selection and rejection of the different spatial strategy options for the distribution of housing and employment land across Rutland County (RC). It is important to note for these representations that this section is essentially the same as that presented in the Regulation 18 SA document.
5. The growth strategy options have been based on two strategic variables which are as follows:
  - 5.1 Different scales of growth; and
  - 5.2 Different locations of growth
6. With respect to the different scales of growth, the SA presents three different reasonable alternatives which are:

- 6.1 123 homes per annum which is the current national standard method figure for housing need in Rutland
  - 6.2 160 homes per annum which reflect the current delivery levels in Rutland during the initial part of the plan period since 2021; and
  - 6.3 210 homes per annum which represents a higher housing number target to support economic growth.
7. Paragraph 6.30 of the SA presents a series of ‘constants’ that can be applied to the growth strategy options which is a list of commitments and completions that apply to RC. Of particular relevance to these representations are the following commitments:
- 7.1 *Quarry Farm*. The Regulation 19 representations to the draft Local Plan clearly set out TW concerns with respect to the reliance of Quarry Farm within the Local Plan as an allocation to meet the housing need with RC. The representations produced by Bidwells obo TW, clearly demonstrate that Quarry Farm was both originally intended (and found at Examination) as an allocation to meet the unmet needs of the South Kesteven Local Plan and not RCC housing needs and that no evidence has been identified or justification provided to support a deviation from this commitment. Furthermore it is noted by the Reg 19 SA (para 6.30) that Quarry Farm will only be taken forward as part of the wider Stamford North allocation, meaning that its delivery is not guaranteed and should not be considered a constant in all reasonable alternatives. Table 6.4 of the SA also confirms that the Quarry Farm allocation is present within all five different spatial strategy options.
  - 7.2 *Oakham*: Paragraph 6.30 of the Reg 19 SA recognises that ‘*Oakham is the main town within Rutland with a range of job opportunities, higher order services for the surrounding rural area and good public transport links*’. It identifies three sites that are suitable for housing which includes Land off Brooke Road. This is also articulated within Table 6.4 of the SA which sets out five different spatial strategy options all of which include Land off Brooke Road.
8. Paragraph 6.31 of the Reg 19 SA presents a series of ‘components’ that collectively can be considered as variables with respect to the spatial strategy options. It is relevant to these representations to highlight the following:
- 8.1 It is identified that ‘Growth on medium sized sites in Larger Villages’ is identified as a potential contribution for housing need with six medium sized sites identified. One such site is Whitwell Road South, Empingham which is capable of delivering 40 dwellings.
9. Table 6.4 of the Reg 19 SA summarises the five different spatial strategy options along with the numbers of houses each option will deliver. Table 6.4 of the SA provides a more detailed breakdown of each option for housing numbers in each location. From these two different tables the following conclusions can be identified:
- 9.1 Option 1 is identified as growth in Oakham, Uppingham NP allocations, Quarry Farm and brownfield sites

- 9.2 Option 2 is identified as growth in Oakham, Uppingham NP, Quarry Farm, brownfield sites and small greenfield sites in larger villages
- 9.3 Option 3 is identified as Oakham, Uppingham NP, Quarry Farm, brownfield sites and medium greenfield sites in larger villages.
- 9.4 Land off Brooke Road, Oakham and Quarry Farm are present as a constant in each of the five spatial strategy options.
- 9.5 Options 1 and 2 contain three allocations in Oakham which are:
  - 9.5.1 Tim Norton Motors (19 dwellings)
  - 9.5.2 Land off Brooke Road (140 dwellings)
  - 9.5.3 Land at Stamford Road (66 dwellings)
- 9.6 Land at Whitwell Road South, Empingham is identified as an allocation to deliver 40 dwellings in spatial strategy options 3 – 5 as a ‘medium sized greenfield site in larger villages’.
- 10. Paragraphs 6.36 – 6.39 describes the methodology for appraising each of the five spatial strategy options against the SA Framework which is summarised in Table 2.1. TW have reviewed this assessment have a number of concerns with the methodology which we have summarised later in these representations.
- 11. Paragraphs 7.1 – 7.7 of the Reg 19 SA summarise the preferred spatial strategy option which is:
  - 11.1 *Directing growth to sustainable locations within Rutland, primarily focused within the planned limits of development (PLD) and aligning with Option 1 and Option 2 of the spatial strategy options. Growth will be focused in Oakham, Uppingham (via NP allocations), part of Stamford North (Quarry Farm), brownfield sites and small greenfield sites in larger villages.*
  - 11.2 *Delivery of 123 homes per annum is planned for and with respect to allocations, appropriate consideration has been given to the material contained within The SA Technical Annex.*
- 12. The SA then moves into ‘Part 2’ which is the appraisal of the Regulation 19 Local Plan and the proposed Regulation 19 policies. With respect to housing, Paragraphs 8.7 – 8.9 and Table 8.2 summarise the chosen spatial strategy and the allocations supporting draft Policy H1 (Sites proposed for residential development). The following statements are highly relevant to these representations:
  - 12.1 The only residential allocation at Oakham is now Land South of Stamford Road (94 dwellings) with Land off Brooke Road and Tim Norton Motors (19 dwellings) having been removed as allocations with no explanation provided.

- 12.2 A single allocation has been identified for the larger villages at Whitwell Road South, Empingham (28 dwellings).
- 12.3 650 units is allocated at Stamford North (Quarry Farm)
13. From an SA perspective, TW consider that there have been significant amendments to the spatial strategy between Regulation 18 (section 6 of the Reg 19 SA) of the Draft Local Plan and Regulation 19 of the draft Local Plan (section 8 of the Reg 19 SA). These changes are summarised in paragraph 12 and we believe have the following implications for the SA:
- 13.1 Oakham is the main town with a range of higher order services and is specifically identified in the draft plan Vision and Policy SS1 (Spatial Strategy for new development) as an area to receive the '*majority of new development*'. At Regulation 18 Stage there were three separate allocations totalling some 225 dwellings which have since been reduced to only 94 dwellings which is less than 10% of the new supply compared to c 25% for Uppingham (which is classed as the other main conurbation albeit materially smaller and with less services and facilities than Oakham) and c 50% of the new dwellings to Stamford North (which is regarded as a less sustainable settlement) on the boundaries of the County.
- 13.2 It is acknowledged that there are a number of committed developments in Oakham but as demonstrated in the planning representations, the housing numbers clearly demonstrate a reduction in total numbers in Oakham from Regulation 18 stage of c 100 dwellings with a corresponding increase in the allocations at Larger villages which is further down the settlement hierarchy.
- 13.3 TW are of the opinion that, the reduction in numbers in the main settlement has not been justified or appraised within the SA and the final allocations at Oakham are not consistent with the preferred spatial strategy described in the Regulation 18 and Regulation 19 SA.
- 13.4 Table 8.2 of the Regulation 19 SA also identifies that Land at Whitwill Road, Empingham has now been allocated despite this being identified within spatial strategy Options 3 and 4 as a potential *medium* (Turley Emphasis) sized greenfield site in larger villages. Such an allocation is therefore contrary to the preferred spatial strategy as it is not present within Option 1 or 2 nor is it a '*small greenfield site in a larger village*' as identified by paragraph 7.1 of the Regulation 19 SA when describing the preferred spatial strategy.
14. On the basis of these representations, TW are of the strong opinion that significant changes have been made to the spatial strategy as part of the Regulation 19 draft Local Plan which, were of sufficient scale and significance, to warrant clear evidence to justify and explain these decisions and a proper reappraisal by the Regulation 19 SA.

Such a task we consider necessary to meet the SEA Regulations<sup>1</sup> but also the PPG guidance<sup>2</sup> of which the latter states:

*14.1 The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach (Turley emphasis), and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted*

15. TW consider our opinion to be strongly supported by documents submitted to RCC Cabinet on the 13<sup>th</sup> of August 2024 which contained a report with respect to the proposed housing allocations to include for the Regulation 19 Local Plan consultation<sup>3</sup>. The cabinet report contained the following:

*15.1 If Cabinet were to conclude - or not support the additional buffer to ensure the delivery of the minimum housing requirement - that one of the six sites should not be allocated, then the most appropriate alternative option would be not to allocate one of the two sites in Oakham. This will, however, impact on the spatial distribution set out in Table 4 of the Regulation 18 Draft Local Plan (see Appendix 1) reducing the overall distribution to Oakham and increasing the distribution to the Larger Villages. This may run a potential increased risk of challenge as it is not directly in line with the spatial strategy consulted on at Regulation 18.*

16. It is the opinion of TW that the preferred strategy would now appear to be one of 'dispersal' around the towns and villages of Oakham as opposed to that expressed in the plans vision which is to focus new development around Oakham and Uppingham.
17. To further support our opinion that a re-appraisal of the new Spatial Strategy Option should have been undertaken by the Regulation 19 SA, we have reviewed the actual appraisal by the SA of Spatial Options 1 and 2 and identified the following:

### **SA Theme Transportation**

18. With respect to the SA theme 'Transportation', Paragraph 6.48 (P45) notes the following:

*18.1 High car dependency and the rural nature of the much of the county, as well as issues relating to public transport provision, mean that car ownership within Rutland is higher than the regional average; only 10.3% of households in Rutland do not have access to a car or van, compared to 23.5% nationally (Census 2021). Due to this, all of the options have the potential to lead to increases in traffic and congestion given that they all propose development. In addition, none are likely*

---

<sup>1</sup> <https://www.legislation.gov.uk/ukxi/2004/1633/contents>. Schedule 2(8)

<sup>2</sup> [Strategic environmental assessment and sustainability appraisal - GOV.UK](#). Paragraph: 018 Reference ID: 11-018-20140306

<sup>3</sup> <https://rutlandcounty.moderngov.co.uk/ieListDocuments.aspx?CId=133&MId=2909>. Report of the Portfolio Holder for Planning , Property and Economic Development. Paragraph 2.3.27

*to give rise to significant improvements in sustainable transport choices that would offset the increase in car-based trips.*

18.2 *However, delivering growth in the larger towns of Oakham (highest under Option 4) and Uppingham (all options) is likely to better support the use of sustainable transport modes, given residents have good access to local services and facilities in these towns* (Turley Emphasis).

18.3 *In terms of sustainable transport networks, the county is served by a rural bus network, a public rights of way (PRoW) network, and there is a substantial joint cycleway / footway network. Oakham has the only railway station in the county, which provides direct links to the east coast main line, Stansted Airport, Birmingham, and a limited twice daily service to London St Pancras, and also the best linked by bus and increased development at Oakham under Option 4 is therefore likely to lead to positive effects by locating more people in good proximity to public transport networks, including the rail and bus network. This will promote accessibility by sustainable transport modes.*

19. The SA ranks the five spatial strategy options in terms of their performance against the Transportation SA objective and identifies Option 1 and 2 as 2nd and 3rd in terms of performance. This is against the assumption that a total of 225 new dwellings would be delivered at Oakham with no allocations in the medium sized villages.

20. Paragraph 8.144 of the Regulation 19 SA then appraises the new spatial strategy against the SA Transportation theme against which we note the following:

20.1 The text makes a number of references to the spatial strategy which focuses growth in the main towns of Oakham, Uppingham and the edge of Stamford. It also confirms that Oakham has the only railway station in the county and recognises that Stamford is outside the county although it does have a railway station.

20.2 Paragraph 8.145 of the SA states that '*Growth at Oakham and the edge of Stamford is therefore likely to lead to positive effects by location people in good proximity to public transport networks, including the rail*'.

20.3 Paragraph 8.147 concludes the impact against the Transportation SA theme by stating:

20.3.1 *Overall, by delivering a significant proportion of new homes in the main towns, where the broadest range of services and facilities and key nodes to public transport networks are located, the preferred sites perform relatively well. However, no significant effects are anticipated at this stage as the quantum of growth is unlikely to lead to significant improvements to existing transport infrastructure, including new public transport or active travel routes. One exception, however, relates to the delivery of Part of Stamford North (Quarry Farm), which, when combined with the proposed allocations associated with the proposals in South Kesteven, is of a size which has the potential to deliver significant new transport infrastructure.*

## SA Theme Biodiversity and Geodiversity

21. Paragraph 6.42 presents the appraisal of the five different reasonable alternatives for the spatial distribution of housing and employment against the SA Theme 'Biodiversity and Geodiversity'.
22. The text notes that the County has an extremely significant biodiversity asset in the form of Rutland Water which is a designated Special Protection Area (SPA)/ Ramsar site and nationally designed Site of Special Scientific Interest (SSSI). It identifies that five of the proposed allocations at Reg 18 stage are within 1km of the Rutland Water SPA, one of which is the Whitwell Road South, Empingham site which is present in Spatial Options 3 and 4. The assessment states that Option 1 arguably has the potential *to lead to more limited impacts, as only two of the five sites* (Empingham is excluded) *highlighted would be taken forward through the option*. Options 3 and 4 are identified as having negative impacts upon the environment.
23. Paragraph 8.18 of the Regulation 19 SA describes the assessment of the preferred spatial growth option against the same SA theme. It confirms that three of the five proposed allocations (including Whitwell Road) have been included but that there is deemed to be *no adverse effects on the integrity of Rutland Water SPA* despite the assessment earlier in the SA identifying a significant impact with three allocations which include Empingham.
24. TW considers that the material presented above with respect to the assessments against the two SA Themes presents the following unequivocal conclusions with respect to the assessment of the reasonable and preferred alternatives for the distribution of growth in RC:
  - 24.1 That there is little material to differentiate both assessments despite significant differences in the Spatial strategy from the Regulation 18 and 19 stages. This demonstrates there has been no re-appraisal by the SA.
  - 24.2 That the conclusions of the Regulation 19 assessment are not accurate and misleading for the reader on the basis that:
    - 24.2.1 The actual distribution strategy only focuses less than 10% of new development at Oakham which does not, in any reasonable scenario represent 'focused growth'. Even including committed developments, there is still a reduction in allocations at Oakham of c 100 units and an increase in allocations in the larger villages which runs contrary to the preferred spatial strategy and vision of the Plan.
    - 24.2.2 As a result of this much reduced growth at Oakham with a greater proportion at Quarry Farm and Larger villages, this will, without doubt, lead to greater negative impacts upon the transportation and biodiversity SA objectives as a result of higher levels of growth in unsustainable locations.
    - 24.2.3 The assessment of the Biodiversity and Geodiversity objective demonstrates that the assessment of the preferred option for spatial



growth does not result in the correct conclusion and that there is a risk of significant negative impacts upon the Rutland Water SPA.

25. TW are of the opinion that the preferred strategy would appear to be now one of 'dispersal' around the towns and villages of Rutland as opposed to that expressed in the plans vision which is to focus new development around Oakham and Uppingham.
26. It is the strong opinion of TW that the plan is now fundamentally flawed in that the SA process has failed to comply with the SEA Regulations and the PPG by not selecting and identifying suitable reasonable alternatives to the spatial strategy. We consider that very substantial work is necessary to support a material change to the strategy of the plan at Regulation 19 stage and therefore a better course of action would be for the plan to be withdrawn and resubmitted on a sound and justified basis following extensive remedial work.

### **Failure to present the reasons for the selection or rejection of the housing allocations (reasonable alternatives)**

27. We have identified earlier in these representations that TW's site, Land off Brooke Road, Oakham was removed as a housing allocation in the Regulation 19 Plan. To date we have been unable to locate a clear statement within the SA which presents the reasons why the TW site was removed after Part 1 of the SA (in effect Regulation 18 stage assessment) and not included as a reasonable alternative for housing in Oakham.
28. A similar point could also be made for all sites assessed within the SA Technical Annex 2 which were not included as reasonable alternatives for housing. Furthermore no reasons are presented for the inclusion of the site at Whitwell Road South, Empingham as part of the preferred spatial strategy despite it not being part of the preferred options 1 and 2 at Regulation 18 stage and being just one of a number of 'reserve sites' that could come forward for development if required
29. We consider this omission of the reasons for the selection/ rejection of the reasonable alternatives for housing allocation to be a clear breach of Article 2(8) of the SEA regulations which require:  
  
*An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.*
30. Furthermore, this is also a breach of the Planning Practice Guidance (PPG) which requires that<sup>4</sup> an Environmental Report should:
  - *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the*

---

<sup>4</sup> [Strategic environmental assessment and sustainability appraisal - GOV.UK](#). Paragraph: 018 Reference ID: 11-018-20140306

*environment are set out in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004;*

- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

31. To rectify this deficiency, the Regulation 19 SA should be updated to provide clear justification for the rejection or selection of each reasonable alternative for housing and employment provision. This updated SA should then be published for consultation prior to any submission of the Plan for Examination in Public.

**Failure to assess the sustainability performance of the spatial distribution options with respect to the inclusion of Stamford North (a less sustainable location than Oakham or Uppingham) and the consideration of reasonable alternatives that may exclude Quarry farm).**

32. Within the Planning representations, TW have expressed their concerns with respect to the reliance on the 650 units at Quarry Farm to meet the housing needs of RCC. This proposal was the subject of evidence and examination by an independent Inspector in the South Kesteven Local Plan and there is a clear agreement in place with South Kesteven that these units are there to meet the unmet needs of South Kesteven District Council.
33. There is no evidence either within the SA or the Regulation 19 Local plan to demonstrate or to justify a change in this strategy.
34. From a SA perspective, TW consider that the inclusion of Quarry Farm and the situation with respect to the reversal of the commitment to meet the unmet needs gives rise to the following deficiencies with the SA:

The vision of the Regulation 19 draft Plan clearly states that:

*34.1 The market towns of Oakham and Uppingham will continue to thrive as vibrant destinations to shop, socialise, and enjoy life – both for those who live locally and those who visit and contribute to the County’s thriving local visitor economy. They will continue to be the main focus for additional housing and employment growth, while their role as business locations, service and cultural centres for the County will have been enhanced.*

*34.2 Beyond the towns, some planned development will have occurred in the 21 Large Villages. Small scale, local, development will also have been permitted in the smaller settlements ensuring that our rural communities remain vibrant.*

34.3 It is the opinion of TW that the allocation of 650 homes at Quarry Farm is clearly contrary to the Vision of the Local Plan.

- 34.4 Furthermore, and as stated earlier in these representations, Quarry Farm is part of the large Stamford North allocation that is not guaranteed and located on the boundary with SK to meet its unmet need. It is a sustainable location for SK but not to meet the housing demands of RC.
- 34.5 Given the uncertainties with the delivery of Stamford North (and therefore Quarry Farm) and the fact that its location is on the eastern boundary of the County, the SA should not have treated this as a constant in terms of housing commitments but should have developed reasonable spatial strategy alternatives that recognised delivery challenges of Quarry Farm and the fact that it is in a far less sustainable location than either Oakham or Uppingham.

**A review of the Sustainability performance of Land off Brooke Road to demonstrate it is a more sustainable option than the allocation at Oakham and that at Empingham.**

- 34.6 The SA is supported by Technical Annex 2 which presents the site appraisals for all of the reasonable alternatives for housing and employment allocations.
- 34.7 Land off Brooke Road, Oakham (OAK04) is presented on Page 126 of this document with the allocated site at Oakham, Land at Stamford Road (Ref OAK08) presented on Page 346 of the document.
- 34.8 Following a review of both appraisals we note that Land off Brooke Road only scores two 'dark red' (least well performing) scores compared to nine 'dark-red' scores for Land at Stamford Road which includes significant flooding constraints.
- 34.9 It is evident that Land off Brooke Road is in a highly sustainable location with the ability of all residents to walk and cycle to key public transport nodes (train, bus) and access a range of services and facilities by both walking and cycling. Whilst we acknowledge that Land at Stamford Road is within Oakham and close to a range of services and facilities, it is evident that the allocated site has significantly more development constraints than Land off Brooke Road.
- 34.10 With respect to the allocation at Empingham, this is appraised at page 178 of the Technical Annex. It is noted that this site has five 'dark red' constraints and with regards to sustainable transport links is over 8 km from a train station and 5km from a secondary school.
- 34.11 Given the clear differences between the sustainability performance of the three sites, the SA should have presented clear evidence and justification for the rejection of Land off Brooke Road as a reasonable alternative and the allocation of Land at Stamford Road and Land at Empingham for housing.

**Summary and recommendations**

35. Following a detailed review of the Regulation 19 SA, it is the strong opinion of TW that the plan is now fundamentally flawed in that the SA process has failed to comply with the SEA Regulations and the PPG by not undertaking the necessary work and provision of evidence for selecting, identifying and appraising suitable reasonable alternatives to

the spatial strategy. We consider that very substantial work is necessary to support a material change to the strategy of the plan at Regulation 19 stage and therefore a better course of action would be for the plan to be withdrawn and resubmitted on a sound and justified basis following extensive remedial work.

**Turley Office**  
9 Colmore Row  
Birmingham  
B3 2BJ

T 0121 233 0902

**Turley**