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Dear Sir/ Madam

## **RESPONSE TO PLANNING FOR RUTLAND'S PREFERRED OPTIONS CONSULTATION**

Savills is instructed by Burley Estate Farm Partnership to submit representations in response to the Preferred Options consultation currently being undertaken by Rutland County Council.

Our response to the consultation seeks to assist in informing the future preparation of the Rutland Local Plan by responding to the draft policies contained within the consultation document.

### **Background**

#### Burley Estate

The Burley Estate owns land which is located to the immediate north of Rutland Water and east of Oakham. The Estate are currently involved in taking forward a project to sympathetically establish a Wildlife Park, with sustainability and education at its core, targeted at both local and tourist visitors. As such, separate representations have been made on behalf of Wild Rutland. These representations relate to the wider Estate, including land proposed for the Wildlife Park.

The Estate comprises of approximately 1,200 hectares (3,000 acres) of agricultural land, currently farmed under a number of tenancies, in addition to farm buildings and residential dwellings.

The Estate see the enhancement of ecology, biodiversity and landscape as a priority and support any proposals which focus on these principles.

### **Emerging Local Plan Policies**

The following section outlines the policies within the consultation document which are most relevant to the Estate as a whole. Although there are many other overarching and important policies including those in the historic environment, biodiversity net gain and flood risk, it is considered that the below policies are of most relevance to comment on.

#### Policy E4 – Rural Economy

For ease of reference, policy E4 states (emphasis added):

*“Outside Oakham, Uppingham and the larger villages, developments which:*

- a. provide opportunities for local rural employment development that supports the vitality of rural settlements;*
- b. create or extend rural based tourist attractions, visitor facilities and recreational uses;*

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- c. encourage the retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification;
- d. encourage the creation of start-ups and scale ups to innovation support and rural diversification;
- e. **encourage the creation and expansion of sustainable farming and food production businesses and allow for the adaption of modern agricultural practices;**
- f. are considered essential to the wider strategic interest of the economic development of Rutland, as determined by the County Council; or
- g. support the retention and delivery of community services such as shop and public houses and village halls.

will be supported where the development:

- i. meets the Strategic Objectives as set out in Policy SS9 of the Local Plan Spatial Strategy;
- ii. supports the rural economy, and could not reasonably be expected to locate within the planned limits of development;
- iii. would not undermine the delivery of strategic employment allocations;
- iv. is supported by adequate infrastructure;
- v. is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity;
- vi. is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form; and
- vii. does not conflict with all other policies of the Local Plan.”

Paragraph 88 of the NPPF (December 2023) states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

The Estate SUPPORTS policy E4, particularly point (e) of the policy with regards to the encouragement of creation and expansion of sustainable farming practices, as shown in bold above.

#### Policy E9 – Caravans, Camping, Lodges, Log Cabins and Similar Forms of Self Serviced Holiday Accommodation

For ease of reference, policy E9 states:

*“In areas outside the Rutland Water Area and the Eyebrook Reservoir Area, Caravans, Camping, Lodges, Log Cabins, Chalets and other similar forms of self-serviced holiday accommodation will only be acceptable where all of the following criteria are met:*

- a. *they are well related to an existing settlement and/or tourism attraction or recreation facility;*
- b. *provision is made to minimise disruption and prevent pollution;*
- c. *they are located with convenient access to supporting facilities;*
- d. *they would not result in an unacceptable increase in the amount of car travel;*
- e. *they are not of a scale and design which would be detrimental to environmental, amenity and highway considerations; and*
- f. *they are not detrimental to visual amenity and the appearance of the landscape.*

*Where planning permission is granted for this type of development, planning conditions and/or legal agreement will be used to prevent the accommodation being used as a permanent residence.”*

Although the Estate overall SUPPORTS the inclusion of a policy for holiday accommodation within the emerging local plan, we have wish to make COMMENTS regarding the lack of reference to change of use of accommodation. We SUPPORT the reference in the policy to:

*“... Where planning permission is granted for this type of development, planning conditions and/or legal agreement will be used to prevent the accommodation being used as a permanent residence.”*

but consider that the policy should permit / encourage for the conversion of residential accommodation into holiday lets subject to meeting the necessary criteria including not impacting on the amenity of neighbouring properties.

Therefore, we suggest the following addition to Policy E9:

*“Where planning permission is sought for the conversion of residential development to holiday accommodation, there will be a presumption in favour of the change of use, subject to potential impact on the amenity of neighbouring properties.”*

### Policy EN3 – Biodiversity Net Gain

For ease of reference, Policy EEN3 states:

*“Development will only be permitted for qualifying developments where a Biodiversity Net Gain of at least 15% is demonstrated and secured in perpetuity (for at least 30 years) subject to the following requirements:*

- a) the latest DEFRA metric or agreed equivalent is used to quantify the biodiversity value of the site pre-development, post-development after application of the mitigation hierarchy and for any off-site areas proposed for habitat creation or enhancement both pre- and post-development.*
- b) that the assessment be undertaken by a suitably qualified and/or experienced ecologist and is submitted together with baseline and proposed habitat mapping in a digital format with the application.*
- c) a Biodiversity Gain Plan will be required, detailing how the post-development biodiversity values of the site and any supporting off-site provision will be secured, managed, and monitored in perpetuity.*
- d) any off-site habitats created or enhanced are well located to maximise opportunities for local nature recovery.*
- e) the proposed mitigation, compensation, and/or enhancement measures required to secure net gain for biodiversity are acceptable to the Council in terms of design and location, and are secured, on-site, for the lifetime of the development, or off-site for a minimum of 30 years, with appropriate funding mechanisms that are capable of being secured by condition and/or legal agreement.*

*Funding for both on-site and off-site measures shall include a payment to the Council to cover the costs of independent review of Biodiversity Gain Plans and long-term monitoring.*

*For minor developments, development will only be permitted where no net loss and appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites metric or agreed equivalent.*

*Opportunities to secure Biodiversity Net Gain on householder developments and exempted brownfield sites will be supported.*

*\* the Local Plan Viability evidence suggests that up to 20% biodiversity New Gain is viable and deliverable on sites in Rutland.”*

The Estate SUPPORTS this approach to Biodiversity Net Gain, whereby there is evidence to justify the higher percentage of BNG requested above the 10% required by the Environment Act 2021. It is however recognised that a site by site approach may be more appropriate than a blanket percentage figure where seeking in excess of the mandatory 10%.

Furthermore, the Estate COMMENTS that there should be a consideration of reference to whether there is the ability for some sites and parts of the District to accommodate additional levels of BNG, above and beyond requirements, in order to be used to offset other schemes which do not meet their BNG requirements.

#### Policy EN4 - Trees, Woodland and Hedgerows

A paragraph from Policy EN4 states: “*Planning permission will only be granted if the proposal provides evidence that it has been subject to adequate consideration of the impact of the development on any existing trees and woodland found on-site and on any trees off-site which are visible from the site*”.

The Estate **OBJECTS** to the phrase “... *visible from the site* ...”, which is considered unduly onerous and that BS5837 only requires trees which are located beyond the site boundary within a distance of up to 12 times their estimated stem diameter to be included in the tree survey. This increases to 15 times stem diameter for veteran and ancient trees.

It is therefore recommended that the Council that the Council removes the phrasing “... ~~*visible from the site*~~ ...” and instead references British Standards guidelines.

Furthermore, the policy continues to state “... ~~*replacement trees should be of a similar size and species to that which are being lost*~~”. The Estate **OBJECTS** to this, and advises that the amended wording of “... ~~*similar species and capable of attaining a similar size*~~ ...” should be added to policy EN4.

#### Policy EN5 – Ancient Woodland and Veteran Trees

For ease of reference, policy EN5 states:

*“New development is expected to protect and enhance irreplaceable habitats including ancient woodlands and ancient and veteran trees. Proposals which avoid or prevent the loss or deterioration of:*

- 1. ancient woodland; and/or*
- 2. the loss of aged, ancient or veteran trees found outside ancient woodland will be supported, unless there are wholly exceptional circumstances, and a suitable mitigation and compensation strategy is provided.*

*Where historic parkland is identified, it shall receive the same consideration as other forms of ancient woodland.*

*Where development proposals may affect ancient woodlands, including translocated woodlands (translocated ancient woodlands will be treated the same as if they are ancient woodland), veteran trees, and their immediate surroundings, the following principles shall be used to guide both site selection and the design of development:*

- 1. avoidance of harm;*
- 2. provision of unequivocal evidence of need and benefits of the proposed development, and for the design of development;*
- 3. establishment of the likelihood and type of any impacts;*
- 4. implementation of appropriate and adequate mitigation, compensation, and management measures that respect the features and characteristics of the veteran trees and/or ancient woodland;*
- 5. provision of adequate buffers; and*
- 6. provision of adequate evidence to support development proposals.”*

The Estate believes that the wording of this policy is confusing and would be made clearer if more consistent with the standing guidance. Therefore, we propose the following amendments:

*“... New development is expected to protect and enhance irreplaceable habitats including ancient woodlands and ancient and veteran trees. ~~Proposals which avoid or prevent the loss or deterioration of:~~ Planning permission will be refused if development would result in the loss or deterioration of:*

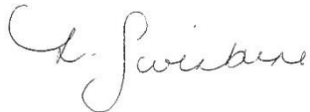
- 1. ancient woodland; and/or*
- 2. the loss of aged, ancient or veteran trees found outside ancient woodland ~~will be supported~~, unless there are wholly exceptional circumstances, and a suitable mitigation and compensation strategy is provided. (See NPPF Para 186(C) or successor.)”*

#### Policy CC8 – Renewable Energy

The Estate SUPPORTS the principle of a policy focused on renewable energy within the emerging local plan. It COMMENTS however that an additional bullet point consideration should be added to the existing text, to state "... the use of and for this purpose would not be compatible with existing heritage or environmental designations". This is important to ensure no existing built or natural heritage is negatively impacted as a result.

We trust that the above assists; please do not hesitate to contact me should you have any queries.

Yours faithfully,

A handwritten signature in black ink, appearing to read "L. Swinburne". The signature is written in a cursive, flowing style.

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Associate Director  
Planning