

Rutland Local Plan Regulation 19 consultation

AWS response

Anglian Water's (AWS) following response should be read alongside our previous submissions and inputs to the Local Plan evidence base including the January 2024 Regulation 18 consultation response. We attach those responses for completeness to this Regulation 19 response.

1 AWS

- 1.1. AWS is the water and water recycling provider and water wholesaler for over 6 million domestic and non- domestic customers in the east of England. Our operational area spans the Humber to the Thames and includes around a fifth of the English coastline. The region is the driest in the UK and the lowest lying, with a quarter of our area below sea level. This makes it particularly vulnerable to the impacts of climate change including heightened risks of both drought and flooding, including inundation by the sea. Rutland is on the western edge of the area AWS serves. The Met Office's 2024 Local Climate Explorer indicates that winter rainfall in Rutland will increase by 6% with a 2- degree increase in global temperature due to climate change. A 4-degree increase would result in a 19% increase in winter rainfall.
- 1.2. AWS provides water services to communities on the east of Rutland including Ryhall and the south around Caldecott and water recycling services to most of the county, excluding the area around Whissenden. Subject to the approval of the economic regulator; Ofwat in December, AWS plans to invest over £41million between 2025 and 2030 on water and water recycling capacity and environmental projects. The Environment Agency (EA), as the environmental regulator has commented on AWS' two business plans and will be the approval body for specific environmental improvement projects and permitting. Planning approval for water sector projects sits with Rutland as a unitary council.
- 1.3. Our region has the highest rate of housing growth in England. The 2021 Census report identifies that growth in the East Midlands was 7.4% and East of England region 8.3% in the past decade against a national average of 6.6%. The 2021 census results show that the overall population of Rutland has risen from 37,369 in the 2011 Census to 41,000 in the 2021 Census (rounded to the nearest 100). This is an increase of 3,631, which equates to a growth rate of 9.7%. We note that Rutland's current Local Plan housing target is 150 homes a year and the July 2024 need figure is now 264 homes a year. In 2016 and in 2017, Rutland delivered some 235 and 229 homes respectively. The latest ONS figures for 2023-24 show that 110 homes were completed in Rutland, with average completions in the past five years being 112 homes PA.
- 1.4. AWS has amended its Articles of Association to legally enshrine public interest within the constitutional make up of our business – this is our pledge to deliver wider benefits to society, above and beyond the provision of clean, fresh drinking water and effective treatment of used water. Our Purpose is to bring environmental and social prosperity to the region we serve through our commitment to Love Every Drop.
- 1.5. Rutland Water is AWS's largest reservoir and supplies water to the East Midlands, it is therefore critical to our water supply network. As well as water treatment facilities and operational infrastructure the Rutland Water site hosts a water park, bird and nature watching centres and a nature reserve run by the Leicestershire and Rutland Wildlife Trust.

2 AWS and Local Plans

- 2.1 AWS is the statutory water company for a small part of Rutland and sewerage undertaker for most of Rutland. We are a statutory consultee under The Town and Country Planning (Local Planning) (England) Regulations 2012. Across our 58 local planning authority councils the Local Plans delivered some 45,000 new homes in 2022/23, each connected to water and water recycling infrastructure. The government’s July 2024 housing need target suggests that housing growth needs to increase by some 40% in our region to deliver around 60,000 homes a year.
- 2.2 AWS proactively engages with the local plan process to ensure the plan delivers benefits for residents and visitors to the area, and in doing so protects the environment and water resources. We have worked with the Council on preparatory work for the Plan and most recently provided comments on the Infrastructure Delivery Plan. We have also supported and commented on a number of the Neighbourhood Plans which are progressing in parishes areas across Rutland.

3 Comments on the New Local Plan

- 3.1 AWS welcomes the opportunity to comment on the Final Draft of the New Local Plan and its ‘soundness’. AWS’s response focus on the issues most relevant to our role as an essential infrastructure provider as set out in the NPPF. As a purpose led organisation our commitment remains to seeking positive environmental and socio- economic outcomes for our region.

4 Regulation 19 draft Local Plan

1 Introduction

- 4.1 AWS is working with Councils to assist them in locating development in accordance with the sustainability hierarchy. Firstly, development should be located to use existing infrastructure and natural capital so that the need for additional construction and land take is minimised. This then makes best use of the existing embedded (capital) carbon in those infrastructure and natural assets. Next the use of that infrastructure can be managed to increase its capacity either across the day or week or through process improvements. Again, this makes most effective use of the carbon and other resources in that asset. The least sustainable option is to locate development in locations which would require new infrastructure, and which are remote from existing networks increasing the costs of new infrastructure and which involve greenhouse gas emissions (GHG) in their production and use at or to serve new developments.
- 4.2 On the tests of soundness, AWS suggests that the ‘Why is the Local Plan important?’ paragraph in Chapter 1 could be rephrased to focus on the positive ability of the Plan to direct development to the sustainable locations, rather than setting out the negative consequences of inappropriate development.
- 4.3 With reference to the plan period to 2041, AWS and other water companies are required to produce plans for water and wastewater which cover 25 years i.e., 2025 to 2050 for the plans to be approved in mid- December 2024 by regulators. We also note that one of the main drivers for Rutland’s Plan is climate change and so the Climate Change Act and national Net Zero by 2050 Strategy provide a timetable against which Rutland’s local action in tackling climate change through land use policy could be aligned. The stated immediate need in the Foreword to review

the Plan after its adoption to address new requirements in the updated NPPF and increased housing need target provides an opportunity to potentially align the future Local Plan to infrastructure and climate plans with a 2050 horizon.

- 4.4 AWS has supported several Neighbourhood Plans in recent years particularly those for parishes around Rutland Water. We welcome the recognition in those Plans of the positive contribution Rutland Water makes to the economy through tourism, recreation, and employment as well as the joint work with other bodies such as the Wildlife Trust to enhance the environment. As an operational site the facilities at Rutland will continue to need to be upgraded and to support AWS’s net zero by 2030 objective. We consider that the Neighbourhood Plans and Local Plan can together support projects such as renewable energy generation, water treatment upgrades which further safeguard the environment and enable more people to use Rutland Water in support of their physical and mental health. AWS welcomes the clear statement in ‘In how Neighbourhood Plans fit in?’ that the new Local Plan won’t replace existing Neighbourhood Plans, and we agree that they can help build understanding and local action on environmental issues including energy and water efficiency.

2 Spatial Portrait

- 4.5 AWS welcomes the changes to the description of Stamford in the Regulation 19 draft. The change enables a positive and evidenced based approach to be taken such that if growth elsewhere in Rutland was found to be less sustainable due to a lack of viable public transport, for example, then growth in the form of a sustainable urban extension, with its attendant infrastructure and service cost and carbon economies of scale may be the most sustainable long-term option delivering more of the Council’s vision for Rutland.
- 4.6 One of AWS’s four objectives is to increase biodiversity across the areas we served. We therefore welcome the inclusion of Rutland Water as a key site for wildlife in the county.
- 4.7 The [2023 Thriving East](#) report produced by AWS shows that whilst Rutland with its natural capital and stable economy is relatively prosperous there are unique challenges faced by other communities across the diverse landscapes, businesses and people living in our region. The role of Rutland Water will be increasingly important in a region that is water scarce, vulnerable to climate change, has many precious environmental sites to protect, a fast-growing population and a sizeable agricultural economy that relies on water to feed the nation. The report summarises Rutland’s greatest challenges as sustainable growth and nature & environment.
- 4.8 Across the indices used in the Thriving East report, Rutland is seen as the second most challenged area across the 12 county/ unitary areas on sustainable growth. Poor access to public green space is perhaps a surprising finding, whilst the rural nature and settlement pattern makes the elevated level of greenhouse gas emissions less surprising. The 2023 report based on ONS figures projects a population increase of 12.1% (2023-43) or 0.61% per year. We note the new Local Plan is forecasting population growth of some 4,949 people between 2021 and 2041. For AWS higher growth is a challenge if it requires new infrastructure. Rutland is in the bottom three of 2 of the other three ‘pillars’ which assess challenges on climate change and nature & environment. As well GHG emissions, renewable energy capacity means Rutland is second most challenged in terms of its exposure to climate change challenges.

2.12.24

- 4.9 We note that AWS is not listed as a major employer, although there is a significant permanent and seasonal workforce of at Rutland Water on both the water abstraction & treatment and recreation teams. There are also some 21 water recycling centres in Rutland and network teams for water supply and sewerage.
- 4.10 With reference to the Waste Management text we note that wastewater/ water recycling is still not referenced following our Regulation 18 submission. Rutland is served by twenty-one AWS water recycling centres (WRC) within the county plus the Stamford WRC which is located in Peterborough councils' area. Eleven of the WRC have numerical permits where dry weather flows (DWF) that equate to the number of people served by the WRC. Applying average DWF from 2019 to 2023 indicates that nine of WRC could accommodate growth within their catchments. Some 12, 800 new homes could be served using existing permitted flow capacity at the eleven WRC. The biosolids from the WRC are managed outside of the county with all Oakham's sludge being transported and treated at the Flag Fen (Peterborough) Sludge Treatment Centre, for example.
- 4.11 AWS suggests that for the Local Plan to be positively prepared it should include policy to support AWS in bringing forward applications for increased capacity or environmental improvements at the WRCs. The sweeping over the valued landscape designation for the Rutland WRC, for example, makes such projects more difficult to deliver. Similar policy should also be set out in the Local Plan which supports water infrastructure development at Rutland Water as well as the recreational activities and related employment. The renewable energy challenges faced by Rutland should also underpin policy which would support AWS and partners in bringing forward proposals for wind and solar energy generation. Energy use and resilience to climate change means that AWS is now looking to secure on site and private wire renewable electricity supplies to support water and wastewater services for Rutland and other areas communities and businesses.
- 4.12 Eleven of the smaller WRCs have descriptive permits and AWS in late summer 2024 took a decision that these would not be suitable locations for increased flows and growth as this would likely increase environmental risks downstream. Growth would also potentially require investment which in the next AMP (2025-30) Ofwat has focussed on improvements and capacity at larger WRCs. AWS supports this position as there are significant carbon economies of scale if growth is at scale of a Sustainable Urban Extension serving more people than could be accommodated in small village expansion.
- 4.13 Several of the WRC in Rutland (Cottesmore, Morcott, North Luffenham, Oakham and Uppingham) have been forecast by AWS to reach their Technically Achievable Limits (TAL) during the Plan period. TAL means that the treated effluent which is discharged under the Environment Agency (EA) permit would have a higher concentration of nitrogen (N) or phosphorous (P) than required by the current or likely future permit and this cannot be addressed through changes in treatment using the existing WRC capacity. The main issue across the Anglian region is with phosphorous i.e., P-TAL.
- 4.14 When TAL and DWF capacity issues are forecast at a WRC either due to housing/ non- domestic growth or infiltration into the network then one option is to pump a proportion of the wastewater to a nearby WRC for treatment. This though has capital costs including carbon as well as

2.12.24

operational energy and carbon costs. Some WRC though are either too remote or not near another WRC with capacity. AWS is working with the EA to assess options to address TAL in the medium term i.e., by 2030 (in AMP8) and by 2035 (in AMP9) so that growth in these locations could still be supported. Growth in these catchments as set out in the draft Plan may need to consider the use of planning permission conditions agreed with the EA and AWS to ensure that AWS's P-TAL scheme, approved by the EA, have created additional headroom at the WRC before homes or new businesses are occupied. As progression of P-TAL solutions is dependent on Ofwat approval of investment in December 2024 and then EA permits/ consents the position on each WRC can be reported to the Local Examination as an update to Rutland's Water Cycle Study (IWMS) and/ or Infrastructure Plan. One alternative may be new treatment facilities provided by developers which don't connect to the AWS sewerage network. Housing growth at the six WRC which do not have forecast TAL constraints could accommodate some 9,100 homes i.e. all of Rutland's current planned draft Plan (2,460 houses) or indeed the additional level of growth set out in the July 2024 housing need target.

4.15 With regards to 'Development in Neighbouring Areas' in July 2024, AWS advised Rutland, South Kesteven and Peterborough Councils of the short-term water supply constraint. The progression of the project to provide additional capacity to support Stamford's existing allocations and current applications can be reported to the Local Examination as an update to Rutland's Water Cycle Study (IWMS) and/ or Infrastructure Plan. The water supply upgrade is not specifically subject to the December 2024 Ofwat determination.

3 Vision & Objectives

4.16 AWS support the **2041 Vision** and specifically the local delivery of carbon net zero through the Local Plan. With regard to the list of infrastructure (bullet 7) we again note – as raised in our Regulation 18 response - that water and water recycling are not referenced. Given the importance of Rutland Water and the potential for WRCs to support a spatial distribution of growth that complies with the sustainability hierarchy, AWS would welcome the inclusion of water supply and water recycling plus flood prevention in the Vision text.

4.17 Oakham and Uppingham WRC have some headroom capacity which would support them being a continued focus of growth. AWS considers that the Vision should include reference to growth within Rutland to the north of Stamford. Existing flow capacity at the Cottesmore and Empingham WRC mean they as larger villages can also support growth without significant investment or associated GHG emissions. There is a range of capacity at the remaining six WRC with WRC that have permits where DWF can be equated to the number of people served by the WRC. AWS has in assessing and providing a RAG rating for each WRC and its settlement now included consideration of the likely progress of known applications in pre-app and sites with planning permissions. Updated RAG assessments for each WRC can be provided to the Council and aligned with EA submissions during the pre- submission and then Examination phases of the Plan preparation to support the Council's own evidence development.

4.18 AWS broadly support the Strategic Objectives. We agree with Objective 2 in that the 'locations' and 'scale' of growth should be 'where people can access', 'jobs', 'community facilities' 'and infrastructure'. We support Objective 4 in that investment and job creation in visitor attractions

can be compatible with environmental considerations. With reference to our Thriving East report, we agree that new development should support improved access to nature (Objective 5). AWS welcomes the identification of the multifunctional role of green and blue infrastructure in objective 8.

4.19 We support the inclusion of water resources, water quality and flood management in Objective 9 (natural resources) and water supply and wastewater management in Objective 10 (essential infrastructure). On Objective 9 we would continue to request – as per the Regulation 18 submissions - the inclusion of water efficiency as a bullet point for high standards of design. Given climate change and the opportunity for natural flood management to be promoted through Local Nature Recovery Strategies we suggest flood prevention and adaptation could be added to blue and green infrastructure (bullet 1, Objective 10).

4.20 AWS supports the Future Rutland Vision as this aligns with our purpose of supporting regional environmental and social prosperity. With regards to the delivery of development the Council does have the central role in shaping the future of Rutland in the locations which will change most and where is the most opportunity to make a step change including through reducing capital (embedded) carbon. It is in those development locations and through measures such as biodiversity net gain and net zero linked to those developments that a link to nature for existing and new residents and business can be reforged.

4 Climate Change

4.21 Our Thriving East report indicates that Rutland ranks well on rainfall, temperature, and flood risks in the region. However, GHG emissions are high per resident and renewable energy capacity is low. Looking at other assessments of Rutland’s position on climate change, the Climate Scorecard still assesses the Council at being at 14% versus the average for single tier councils of 35% and now bottom but one of assessed County Councils. Rutland’s Planning and Land Use score is 6% against an average of 35%. The continued absence of an up-to-date Plan means that the Council has not, for example, a net zero strategic objective or which requires whole life carbon assessment of new development. Unlike 59% of Councils nationally the lack of Plan means that a water efficiency standard for new builds to reflect the EA’s designation of Rutland and the Anglian region as one of ‘serious scarcity stress’ is not in place.

4.22 We support policies on the circular economy including **CC1** and AWS continues to seek to maximise the resource value in operations including the generation of energy from biowastes. The waste hierarchy supports our aim to assist Councils in utilising existing infrastructure capacity rather than build new capacity which generates waste in construction. AWS supports policies CC2, CC3 and CC4 including the cost benefits and carbon efficiencies from designing and building energy (water?) efficient buildings as opposed to retrofitting. Given the construction of new homes and building stock is approximately 1% per year and we have just over 25 years until net zero being legally required in 2050, the benefits of making a step change in construction and building performance is clear. AWS’s sector leading approach on climate change means that we are able to provide information to show how we comply with these policies in our developments. On **CC2 d)** we support the potential for heat recovery from wastewater.

2.12.24

- 4.23 We would comment that utilities infrastructure is not standard development therefore the policy and associated validation requirements which will be needed should be applied proportionally. All waste development is deemed to be major development and so we would ask that small kiosks, for example, which have low potential for renewables generation due to their small roof area, are excluded from the CC2 f) and **CC4** requirement on renewable energy generation – as requested in our Regulation 18 submission. Instead, AWS proposes that we submit a summary of the renewable energy projects delivered across the AWS estate in Rutland and the wider AWS estate. AWS does not plan to introduce green roofs on developments as a standard given the net environmental gains (water, BNG, carbon) that alternative design options present.
- 4.24 AWS welcomes the policy **CC5** on Embodied Carbon. Noting the allocations in the Regulation 19 draft we continue to advise that the first part of the policy should be directed at more positively supporting developments at planning application stage which utilise embodied (capital) carbon in existing infrastructure. The Council’s quick review of the Plan to increase housing delivery and allocate additional sites/ increase the flow of sites should then be based the availability of existing infrastructure capacity. This sustainability hierarchy approach would also enable sites to be brought forward quickly and in the case of water recycling identify catchments/ settlements these would be sites that have existing headroom and so not be delayed in delivery by the approval of Ofwat of AWS investment in the 2030s due in 2029.
- 4.25 AWS notes that the supporting text of policy CC5 has been updated to include commentary on embodied (capital) carbon and we welcome the conclusion, supported by recent case law, that this local attribution and action is a matter for Local Plan policy in the absence of national regulations and targets. In addition to AWS’s inputs to the infrastructure delivery evidence, AWS is able to provide tCO2e figures for each of the allocations proposed should this information be requested by the Council, as offered in our Regulation 18 submission.

Policy CC6 – Water Efficiency and Sustainable Water Management

- 4.26 AWS with the Environment Agency, Natural England and Cambridge Water will be publishing an updated Water Efficiency Protocol in the coming months as we are now moving from 110 litres to 100 litres as the water efficiency standard for new homes. AWS welcomes the 85 litres PCC aspiration in draft Policy CC6 and so we therefore ask again that policy **CC6** is updated to reflect the 100 litres PCC position which was also set out by government in the 2023 Environmental Improvement Plan. This move to a higher standard is possible due to the previous Ministerial direction on going beyond national standards having been removed. AWS supports the Water Management bullet points in CC6. We welcome reference in the supporting text to the carbon gains from increased water efficiency and rainwater harvesting, for example.
- 4.27 AWS supports the inclusion of non-residential water efficiency standards in the supporting text for CC6 and this aligns with the AWS joint Protocol position with the EA and Natural England.
- 4.28 As indicated above and set out in our Regulation 18 submission the question remains whether the carbon, water and climate benefits of green roofs is always positive. Work with other Councils suggests that the engineering and design of roof structures means that some buildings and especially those with small roofs provide minimal benefits which could be more sustainably provided through ground level solutions including BNG. In taking forward applications for small

2.12.24

buildings such as kiosks AWS will promote biodiversity and renewable energy environmental gains through additions on site away from the structure.

- 4.29 On policy **CC8** Renewable Energy infrastructure we note again that the majority of our operational sites are not included on the policy map for ground based solar or wind turbine locations. AWS would welcome confirmation that as our sites are set out in statutory plans for water and water recycling, they are included as operational sites for the purposes of bullet 4 relating to solar energy proposals? The provision of solar or wind energy generation capacity at our operational sites along with battery storage can provide resilience to water and wastewater network. That on site and/ or private wire capacity would ensure that with more extreme weather events being more prevalent they continue to function providing essential services.
- 4.30 Subject to clarification on bullet 4 and AWS's statutory Plan, AWS may consider seeking Modifications to the Policies Map and CC8 to ensure that there is positive policy support for renewables at and adjacent to vital infrastructure sites. Please regard this a holding objection to the Plan on the grounds that the policy constrains renewable energy opportunities too tightly and so with reference to paragraph 16 (a) and (b) of the NPPF does not contribute to the achievement of sustainable development in an aspirational but deliverable way. AWS suggests with reference to the CCC 2023 report quoted in the supporting text, that to be an effective policy CC8 needs to set out the actual targets for renewables to deliver the Council's overall climate targets and incentivise investment in Rutland's green energy transition.
- 4.31 AWS supports Policy CC9 and the need to protect renewable energy infrastructure and specifically the opportunity to generate and optimise renewable energy production at AWS sites and consequently the need to prevent other development reducing or removing that generation opportunity. We welcome policy CC10 as this supports AWS's wider energy infrastructure needs, our net zero ambitions and resilience in the face of climate change. AWS supports policies CC11 Carbon Sinks including no dig construction methods, CC12 Carbon Sequestration including nature-based solutions for water quality, CC13 Sustainable Travel given AWSs transition to an EV and non- fossil fuel-based fleet.
- 4.32 AWS supports the intention of Policy CC14 – Flood Risk and the changes to the policy, such as parts (d) and (e), which now recognises the increased risk of flooding for existing communities due to climate change. This covers the AWS point at Regulation 18 that cumulative risks from land use change in an area can increase risk given the scientific evidence and public acceptance that extreme weather events including drought and storms are more likely and of greater intensity. Part (e) of the policy does now require developers to consider betterment to address the wider flood risks that the proposed development may affect. AWS continues to advise that the current WCS and SFRA (published in October 2023) should be updated to be a full Integrated Water Management Study. AWS considers that the SFRA should include the methodology and inputs from the soon to be updated national EA flood modelling, for example on including surface water flows and new climate change allowances.
- 4.33 On part (f) of CC14, it is not clear whether parts f.ii. to vi. are setting out the surface water hierarchy. As part of assessment for AWS's two statutory Plans, AWS has recently adopted a position that in response to planning applications, AWS may object or seek appropriate

conditions if there is no sustainable point of connection for sewerage or water supply. AWS requests that the following Policy is added to the draft Local Plan.

For all major and nationally significant development proposals, developers must demonstrate that there is capacity available in the sewerage network and at the receiving water recycling centre to accommodate wastewater flows from the site.

AWS request the supporting text to include:

Developers must undertake pre-planning engagement with Anglian Water at the earliest opportunity to assess infrastructure capacity, and any specific requirements that may be needed to deliver the proposed development, which may include sustainable points of connection to our water supply and wastewater networks to minimise impacts on existing communities and the environment.

The supporting text could be included in the ‘Protecting the Water Environment’ paragraph after the sentence which ends, ‘as early as possible.’

5 Spatial Strategy

4.34 AWS agrees that a hierarchy of settlements Policy (SS1) enables the Plan to focus development on the more sustainable locations. Increasingly development will towards the end of the Plan period need to deliver net zero (embodied and operational) carbon from day 1 to build in net carbon negative solutions from 2050 onwards. AWS considers that quantum of growth (at least 123 dwellings per annum) in Policy SS1 is deliverable provided that growth is located in settlements whose catchments have headroom capacity or where investment is planned by AWS to 2030. AWS supports the allocation of employment land, although until those sites come forward for planning and their water demands and wastewater volumes are known it is not possible to assess the deliverability of employment allocations.

4.35 AWS has assessed the wastewater recycling centre (WRC) permitted dry weather flow (DWF) capacity and assigned a RAG value in the table below to those locations based upon the allocations and average build out rates. This now includes consideration of existing planning applications and potential construction build outs for those sites.

WRC Catchment	Minimum requirement (2021-41)	Site Allocations (Policy H1)	Comments	RAG assessment and date this could change
	Local Plan 2,705 homes. 123 homes per year +10%	Allocations after completions and existing commitment sites		
Oakham	820	94	P-TAL scheme in AMP8 (2025-30)	Amber (2030)

Uppingham	515	314	P-TAL scheme in AMP8 (2025-30)	Amber (2030)
Stamford North	650	650	Water supply network upgrade	Green (After 2041)
Larger Villages	620	97		
Empingham including Exton, Manton, Whitwell, Barnsdale, Normanton, Lyndon and Edith Weston		85+28		Green (After 2041)
Ryhall including Essendine, Belmesthorpe, Carlby & Braceborough		11		Green (After 2041)
Ketton including <i>Tinwell</i>		0	No allocations although significant capacity even with known sites	Green
Cottesmore including Greetham, Streeton & Clipsham		0	No allocations although significant capacity even with known sites	Green
North Luffenham including South Luffenham		0	P-TAL scheme in AMP8 (2025-30)	Amber (2030)
Great Casterton		0	No allocations although significant capacity even with known sites	Green
Lyddington		0	Limited capacity for infill and windfalls	Amber
Morcott		0	Some capacity for infill	Green
Braunston		0	No capacity. Object.	Red (2030 onwards)
<i>Smaller Villages</i>	100	37		
<i>Little Casterton</i>			Descriptive permit. No growth	Red
<i>Seaton</i>			Descriptive permit. No growth	Red
<i>Pickworth</i>			Descriptive permit. No growth	Red
<i>Ayston</i>			Descriptive permit. No growth	Red
<i>Ridlington</i>			Descriptive permit. No growth	Red

2.12.24

Other WRC villages			Descriptive permit. No growth	Red
Belton in Rutland			Descriptive permit. No growth	Red
Barrowden			Descriptive permit. No growth	Red
Preston			Descriptive permit. No growth	Red
Wing			Descriptive permit. No growth	Red
Wing Hollow			Descriptive permit. No growth	
Tickencote			Descriptive permit. No growth	

4.35 AWS advises that the allocations for Larger Villages at three sites within 2 WRC catchments are considered as deliverable as they have WRC headroom and in the case of Empingham a WINEP P-TAL scheme is proposed to be completed in or before 2030 by AWS. Other larger villages have significant or some WRC headroom which could provide for the ‘limited amount of development’ for Larger Villages proposed in the supporting text for Policy SS1.

4.36 AWS advises that the potential in Small Villages for even ‘small scale infill or redevelopment’ (supporting text for Policy SS1) is severely limited by the descriptive permits for 11 WRC serving some of the Small Villages and smaller unnamed settlements. We note that RCC has not sought to update its 2023 WCS as recommended in AWS’s Regulation 18 submissions. This would have enabled the reappportionment of some of the Small Villages numerical residual allocation of 37 homes to the Small Villages such as Egleton, Bisbrooke and Stretton within numerical permit WRC catchments which have capacity or to the seven Larger Villages which have WRC capacity or to developments at Stamford North or Oakham or Uppingham. On the basis of the reasoning for Policy SS1 in the Background Paper reappportionment to Stamford North, Oakham, Uppingham or the Larger Villages with capacity would have been a produced a more sustainable spatial distribution. A paper setting out the AWS approach to WRC capacity and caveats for the RAG table above is attached to this response.

4.37 For the purposes of this Regulation 19 response and progression of the RCC Plan the number of new homes that could be served by an existing WRC the RAG assessment is a snapshot in time and will be subject to change due to the number of factors now including the agreement of the EA and the subsequent success of TAL schemes between 2025 and 2030. It should be used as a high-level assessment to help inform the spatial distribution of growth and so support or otherwise the Council’s view on whether the draft Plan is sound. AWS considers that the position should be assessed by the Council through an updated Water Cycle Study (WCS), or Integrated Water Management Study (IWMS) which then inform the Plan’s Infrastructure Delivery evidence and documents. The capacity assessment and RAG assignment does not include an assessment

2.12.24

of WRC or network capacity for new businesses. This can only be undertaken when a site's use and proposed processes including water demands and wastewater volumes are known.

4.38 AWS considers that Policy SS2, Policy SS3 and potentially SS8 are no longer based on sound evidence as development proposals at Braunston (Larger Village) would, for example, now be highly likely to be objected to by AWS given its recent history of dry weather flows and consequent risk of pollution if addition homes were connected to the sewerage network. Similarly, applications for new homes at settlements such as Ridlington (Smaller Village) would result in an objection by AWS as these are served by WRC with descriptive permits which AWS will not be investing in in the next five years and where such investment would not be efficient or deliver carbon economies of scale. A positively prepared plan should instead direct growth to locations with known infrastructure capacity and/ or settlements where planned investment will look to remove constraints.

4.39 AWS supports Policy SS4 and welcomes the intention to Masterplan the development including the provision of supporting infrastructure. The site would be served by Empingham WRC which has significant headroom capable of accommodating the 350 to 500 homes proposed and investment planned by AWS before 2030 to address the TAL question.

4.40 On policy SS10, AWS is developing an approach to intensive livestock proposals which recognises that they may have significant water demands and generate significant volumes of wastewater. All non- domestic water demands within AWS's service area which will demand a supply in excess of 20 cubic metres per day, including agricultural and related food production businesses will now be required to complete a Water Resources Assessment (WRA). A WRA position paper is attached to this response.

6 Housing

4.41 AWS notes the Table in Policy H1 and the draft Local Plan's Minimum Requirement for 2,705 homes to 2041 and a residual requirement of 1,189 homes. The figures for each settlement have been used to produce the above Table and RAG assessment. We make no specific comment on the allocations other than advising that prospective applicants should continue to seek advice from AWS Pre Development and Development Service teams on their water supply, waste recycling and drainage proposals.

4.42 AWS has previously advised that settlements with headroom capacity at the WRC which would serve developments are the most sustainable locations for growth. Policy H2 for Stamford North therefore positively plans for a sustainable location for growth at the proposed 650 homes or above figure set out in the Plan. AWS supports reference to the provisions in the policy at i. on water supply and j. on water recycling capacity and connections.

7 Economy

4.43 In June 2023 we advised Council's in the AWS region on the introduction of restrictions to non-domestic water supply which may limit employment development. In July 2024 as part of our update to the three Councils on Stamford we re-iterated the AWS non-domestic water supply position. The updated AWS WRA position is attached to this response. Noting that the majority of Rutland is outside of our service area, we recognise that new or expanding business on the

east of the county and in around Stamford may generate new demands for water. When this demand is over 20 cubic metres per day then that request will require the applicant to submit a Water Resources Assessment (WRA) to AWS. That new or increased water may be declined by AWS if in supplying that water AWS considers that cumulatively with other non-domestic water demands that could jeopardise the supply of water for domestic customers, including customers in new homes set out in Local Plans.

4.44 Where allocations in Policy E1 are for office, warehousing, and logistics these would be unlikely to require that quantum of water. Light industrial uses and in particular food and drink manufacture may generate such demands. We note that Policy E1.1, E1.2, E1.3, E1.4, E1.5 and E1.6 E2 do now have an informative advising that applicants should contact AWS at an early stage in site selection to consider water demands and process efficiencies as AWS recommended in our Regulation 18 submission. AWS would welcome this addition in Policy E2, E3, E4, and E5 for these employment policies within the final Plan submitted for Examination.

4.45 AWS supports Policy E8- Local Visitor Economy. The supporting text recognises the role that Rutland Water plays as an attraction and centre for visitors as well as being a leisure hub for both visitors and local residents. AWS and our tenanted businesses employ over 100 people at Rutland Water on a permanent basis and a further 150 people are employed by AWS and related businesses at Rutland Water on a season basis to support the existing tourism and leisure activities. As such Rutland Water is a sustainable location for growth in the visitor economy with existing infrastructure and services which link into and support other destination and accommodation locations in Rutland. AWS considers that Policy E8 and specifically parts b. and c. are positively prepared and shaped by engagement with AWS and other tourism and leisure sector businesses in Rutland.

4.46 Although AWS supports Policy E9 on holiday accommodation; recognising the need for additional self-serviced accommodation, we do not believe that Rutland Water should be carved out of the policy as Rutland Water is an existing visitor and recreation centre and so a sustainable location in transport terms for additional accommodation. AWS's position on EN10 is set out below. With reference to Policy W10, AWS has previously agreed with RCC that Oakham and Rutland Water support each other's functions as a town centre for retail and service provision and a destination and visitor hub.

8 Sustainable Communities

4.47 We broadly support the policies in the sustainable communities' chapter and specifically SC4 – Pollution control. AWS's position on the assessment and application of Valued Landscape status across all of Rutland Water is set out below on Policy EN10.

4.48 AWS supports Policy SC3 and recommends that part 5. Includes and additional sub section d. covering water efficient design and construction and the minimisation of wastewater during building and operational stages.

9 Environment

4.49 AWS whole heartedly supports the inclusion and references to Rutland Water's habitats designations in Policy EN1. We agree that developments should maintain and indeed support the

2.12.24

integrity of the designation. This includes through the promotion of sensitive development which can cross subsidise habitats and species conservation and enhancement programmes by AWS and our partners. AWS is clear that certain locations within our management are off limits for development, whilst others – particularly those which have a longstanding use – can be designed, developed and managed to support wildlife and enable greater public access to nature as well as providing informal recreation. Other locations have more intensive recreational use which is consistent with retaining the integrity of the wildlife designations.

4.50 AWS endorses the biodiversity net gain principles of Policy EN1 and the detailed BNG approach in Policy EN2. Our past and ongoing active management with partners of biodiversity gives us a greater insight into further enhance the nature conservation value of Rutland Water including supporting landscape scale nature recovery through wildlife corridor measures being promoted through the LNRS (Policy EN2).

4.51 AWS supports Policies EN4 and EN5 (and EN7) and specifically that they recognise the link between fluvial and terrestrial habitats and the role for example of tree cover in also reducing flood risks. On EN4 and replacement trees whilst we support the aim, on an operational site this may not be possible due to the site constraints, buried assets and operational processes. In these circumstances the BNG provisions may enable a better overall enhancement to biodiversity through provision of alternative habitats.

4.52 On Policy EN6 – protecting agricultural land and where impact is unavoidable, we would observe that the operational necessity and existing locations of assets means that impacts on farmland are unavoidable. In our Regulation 18 submission we commented that, for example, relocating works to less valued land may entail significant carbon costs in extending networks from existing assets. It would not represent sustainable development not to mention to the costs to our customers of increased project requirements in the cost-of-living crisis. We purchase land by negotiation and have to work with the landowners in terms of locations within existing fields to minimise our impacts. We recognise a balance needs to be struck between water, food, and wastewater pressures all of which are vital to basic human health needs. By definition AWS development proposals on agricultural land will necessarily demonstrate that the proposal and its environmental and socio economic (health) benefits outweigh the loss of that land from production.

4.53 We welcome policy EN7's identification in the supporting text of reservoirs and other blue infrastructure as providing multi-faceted benefits including public access to nature. Part f. of EN7 underlines why the continued and enhanced provision of sport and recreation at Rutland Water enables the most sustainable use of existing facilities and supports the use of active travel in and around Rutland Water to access different activities. The operational need and use of Rutland Water means that it provides or supports all four of the 'ecosystem services' listed. With reference to Policy EN9 we note that Rutland in our Thriving East report is assessed as having relatively poor public access overall to nature.

Policy EN10

4.54 AWS has reviewed our past submissions to this and the previous draft Plans dating back to 2017. AWS has consistently sought to ensure that the policy does not place unnecessary hurdles in front

of AWS bringing forward applications to enable the continued operation of Rutland Water as a reservoir and to ensure that policy positively supports development which is consistent with Rutland Water's use as a sub-regional sporting and leisure destination. AWS therefore must object to Policy EN10 as drafted. With reference to the NPPF paragraph 16, policy EN10 as drafted is not:

- Supportive of sustainable development in enabling the continued development of Rutland Water for water supply and as a sub-regional recreational asset with circa 100 full time employees and a further 150 employees in related seasonal leisure and recreational jobs
- Positively prepared, as the policy does not recognise the operational needs of AWS as a water company and the essential infrastructure status of Rutland Water
- Appropriately informed by the engagement with and responses to consultation by AWS over the past seven years
- Clear and so EN10 as drafted remains ambiguous in its geographic coverage, types of development covered, criteria to be applied and the potential weight in the planning balancing exercise of the importance of existing development and the embedded carbon in that infrastructure or the economic, social and environmental benefits of the proposed development.
- Clear in its purpose and so EN10 as drafted conflicts with the Strategic Objectives, for example the potential restraint on leisure activities would reduce the physical and mental health and consequent well-being of the Rutland population (Objective 5), would not be the most effective use of natural resources (Objective 9), which in turn would limit economic prosperity and resilience (Objective 4) and for AWS and partners would reduce funding for biodiversity and landscape scale nature recovery (Objective 8) leading to the decline in infrastructure and services (water supply, sport and recreation, utilities and blue & green infrastructure) (Objective 10).

4.55 On policy EN10's - Rutland Water Area designation – we cannot support the limitation to 'small scale' criteria the Policy seems to be applying. As phrased the Policy EN10 fails the soundness tests for clarity and purpose. For operational infrastructure, development is necessarily required by regulators to meet environmental objectives and in the NPPF is classified as 'essential infrastructure' precisely because in the event of a storm or flood event taking out that infrastructure there could be significant public health risks. Looking at the criteria we recognise the need to undertake HRA, for example, when there may be an impact the shoreline. This provides the necessary protection without the policy as phrased unnecessarily limiting or preventing essential works on Rutland Water as a critical operational asset.

4.56 AWS would want to work with the Council to produce a new Policy EN10 which is clear and sound. We have sought views from experienced planners and consultants across the AWS business on the Plan and one comment was:

'Looking at their online policy map this does not appear to show a valued landscape designation so I think they are wrapping it up as part of the RWA area policy rather than being explicit so I think their intentions are unclear'.

2.12.24

- 4.57 With that comment in mind, AWS considers that rather than putting forward revised wording unilaterally it would be more productive and indeed follow limb NPPF soundness test limb c. in paragraph 16 if RCC and AWS worked to jointly draft a revised Policy EN10.
- 4.58 Returning to the question of scale in the current draft policy, necessarily the scale and importance of Rutland Water to regional water supplies means that works and new assets may themselves need to be large in scale. We believe we understand the intention of designating the whole of the Rutland Water area as a possible 'valued landscape.' As set out in previous submissions AWS considers though this broad-brush approach unnecessarily limits Rutland Water's operational function use, its future development and multi-functional purpose. AWS has previously offered to support the technical work behind the valued landscape assessment. This offer has not been taken up by RCC and consequently the Local Plan preparation and its Regulation 19 consultation now does not meet the NPPF requirements for the Council to work with parties under the duty to cooperate provisions (limb c.)
- 4.59 AWS will now be instructing Landscape consultants to review the possible valued landscape work undertaken by RCC. AWS would prefer that instruction is undertaken jointly with the Council. We consider that the timescales for the review work enables its completion before the Council decides to submit the Local Plan for Examination. So, in the event a further consultation isn't undertaken by RCC before the Examination, AWS and RCC will be able to agree Modifications to EN10 which mean it is 'sound' and can be clearly understood and followed by applicants and development management (DM) officers including as part of pre-application discussions.
- 4.60 Whilst AWS has concerns over the clarity of EN10 we continue to welcome Policy EN10's in principle support for recreation, sport and tourist uses and development at and near Rutland Water. AWS though must re-iterate past submissions that EN10 as drafted is confused and confusing. In short, it is contradictory in its potential application. The second paragraph says that 'the Council will support proposals related to the function and operation of Rutland Water Reservoir, its treatments works, associated networks and supporting infrastructure subject to the criteria'.
- 4.61 The next paragraph in draft EN10 refers to new development being limited in scale to 'small scale recreation, sport and tourist uses, or essential for AWS operational requirements within the five defined Recreational Areas only'. We remain of the view that the Councils intention maybe to split the two types of development – operations and tourism/ sport/ leisure - but it is still not clear as currently worded. AWS, as indicated above, could not limit operational development to 'small scale,' and may need new infrastructure which could impact the shoreline (criterion a). The revised policy should seek instead to support operationally necessary development that is sensitively design and supports the leisure use of Rutland Water.
- 4.62 All the reservoir and its shore are operational land. Reference to new construction being 'modest in scale' we would suggest the policy should instead refer to operationally necessary in scale and design.
- 4.63 On the definition and exclusion of other areas from recreational development, AWS considers there is no specific evidence to justify why some Recreation Areas are suitable for tourism development whilst others are not, such as Whitwell and Barnsdale. The restrictions look to have

2.12.24

simply been carried forward from the previous local development plan, which similarly had no evidence to justify the approach.

- 4.64 Moving onto the supporting text we agree with the factual statements in the first four paragraphs. The new bathing water status of Rutland Water makes it the first such designated inland bathing location in England. It is therefore surprising that this and the other environmental gains provided by AWS and partners management of Rutland Water will be potentially limited by confused policy wording IN EN10. AWS continues to recognise that the policy seeks to provide control over development at Rutland Water. However, this policy in isolation does not explicitly recognise the importance of the tourism function of Rutland Water.
- 4.65 AWS has been unable to locate the provisions in the NPPF which require the Council to take the approach which RCC has taken to landscape assessment and the Recreational Area designation. Even if we agree that the approach is one reasonable option its blanket designation and then unclear limitation on development types is not a sound approach to ensuring the nature conservation interests of the area are balanced with the operational and recreation and tourist needs.
- 4.66 The Landscape Review of the Rutland Water Area (August 2019) which the text advises supports the policy and definition, delineation and distinction between the Recreational Areas (RAS) is not easily located in the supporting evidence section of the Council's website. AWS noted in previous submissions that the Council's appointed landscape consultant states at paragraph 1.5 of the 2019 report that 'it is unclear on what evidence this is based or why these activities are considered to be acceptable in some but not all of the RAs.' Consequently, AWS agrees with the position in the supporting text which draws no distinction between the policy considerations in the five RA's.
- 4.67 As set out in our Regulation 18 submission, the policy as drafted also appears to tighten up the requirements for proposals outside of the defined recreation areas. It is not clear that there is evidence to justify this revised approach. We have previously observed that the Council's Landscape Review which has been used to inform Policy EN10 was (in 2019?) focused on the extent of Rutland Water Area and recreation areas only and does specifically not consider the uses which are appropriate within the Rutland Water policy area.
- 4.68 Notwithstanding AWS's objection on soundness grounds to Policy EN10 (as drafted) AWS would want to continue to offer the opportunity to work with the Council on a sound approach to developing Policy EN10 including alternatives. The Regulation 18 consultation document acknowledged that no alternatives to this policy have been considered by the Council. We have seen no evidence of a review of the position or a testing of evidence to consider alternatives to the policy which would provide a more up-to-date evidence base.
- 4.69 On the Policies map we note that the Oakham inset looks to include land to the east of the A606 Burley Park Way and north of the A606 Stamford Road in the area covered by Policy EN10. This extension of the EN10 area since the Regulation 18 draft would include the Oakham WRC site. The P-TAL issue set out above and work to support growth in the Oakham catchment possibly amounting to some 1200 homes before 2030 (according to AWS data) and the additional homes during the plan period will require investment of some £14.6m in the next AMP period (2025-

2030) alone. will be required in AMP8 (in addition to works being undertaken this AMP – 2020-2025). This is likely to entail a need to further expand the WRC. AWS is concerned that the Policy EN10 including its contradictions will prevent those environmental improvements including improving water quality and as a result mean that AWS would need to object to planning applications for new homes and businesses, who if connected would increase the nutrient loads being discharged via the Oakham WRC.

4.70 AWS strongly recommends that the Oakham WRC site is excluded from the EN10 policy area. We note that the SPA and Ramsar site designations extend to the south of the A606 Stamford Road. We also note that there are no Habitats or Species designations in the Oakham WRC area. The Burley and Rushpit Woods SSSI is some 1.7km to the east along the A606 road. AWS recommends that to the north of the A606 Stamford Road, the boundary for policy EN10 follows this SSSI designation. We suggest that RCC utilise the Natural England’s SSSI Impact Zone tool to assess whether development at Oakham WRC should be the subject of consultation with NE. That would also cover the Ramsar and SPA designations south of the Stamford Road.

4.71 AWS considers that as ‘some weight’ can be attached to the policy once the Plan is submitted for Examination, AWS will need to consider whether applications for capital projects elsewhere should be prioritised for delivery over projects which may or may not be caught by Policy EN10. We have a duty to billpayers to invest wisely and so if risks of planning applications or permit changes elsewhere are less risky and can potentially deliver environmental improvements quicker and support the delivery of more homes and sustainable growth then those alternative investment locations may need to be brought forward first.

4.72 AWS previously proposed that RCC work with AWS to provide a robust technical basis for a possible Valued Landscape designation. That offer has not been taken up by RCC and as a consequence of the continuation of an ill -defined basis for the local designation, AWS will now need to progress independent expert assessment of the landscape assessment. AWS considers that it is still possible for RCC to re write Policy EN10 and to refine the policy jointly with RCC to ensure that it is sound. We recognise that if the Plan is submitted for Examination before the new December 2026 deadline for Plans (as the gap between local need and the new national need is less than 200 homes per year) to be considered under the current planning regime without a further consultation by RCC, then when we are able to agree an evidenced based policy this will still need to be the subject of Modifications proposed by RCC and subsequent post Examination consultation.

10 Minerals & Waste

4.73 AWS notes there is no reference to wastewater/ water recycling in Policy WST1. As planning applications for environmental improvements or upgrades in capacity would be determined by RCC this is a significant omission which goes to the soundness of the Plan and its positive preparation. The volume of wastewater from homes and businesses in Rutland that is currently permitted by the EA to be treated at the numerical WRCs in Rutland exceed 600,000m³ a year and so the omission from WST1 may mean then Plan is not proportionate or effective. There is a single word reference to wastewater in RCC’s April 2024 Local Waste Needs Assessment.

2.12.24

4.74 AWS welcomes the inclusion of sewage treatment works (WRCs) in part f) of Policy WST2. AWS remains of the view that our development is different from other waste development and as indicated above further investment will be required at Oakham WRC, for example, from 2025 onwards in part to address P-TAL. We would comment that the function and operation of WRCs means that works cannot always avoid flood zones given their hydrological requirements.

4.75 We note the waste site monitoring proposed by RCC in part d) of Policy MIN10. AWS recommends that monitoring by waste planning authority's such as RCC is undertaken in liaison with the EA.

11 Infrastructure & Delivery

4.76 AWS would welcome the specific inclusion of water and water recycling infrastructure to the first bullet point in the 'three main categories. AWS supports the penultimate paragraph in Policy INF1 covering foul (wastewater/water recycling) infrastructure. The policy also needs to include the signing posting of applicants to AWS for water supply advice and the specific requirements for developers requiring above 20m³ of non- domestic water per day to complete and submit a Water Resources Assessment to AWS. We note that water supply is listed in the supporting text.

4.77 Essential infrastructure such as water and water recycling infrastructure, is critical to facilitating and enabling growth. We welcome policy support for essential infrastructure provision to ensure that growth can be delivered in a timely manner. This includes the vital role which Rutland Water plays in supporting sustainable communities and development.

12 Monitoring

4.78 AWS supports the inclusion of the Policy CC6 on water efficiency in new homes in the Monitoring Framework. We agree that this can be assessed by data from planning decisions and suggest that a two-stage data collection at application validation and then conditions in approved applications can enable effective monitoring by RCC.

4.791 On Policy EN10, the current ambiguity in the policy as drafted would make it difficult to decide whether a refusal by RCC which was then allowed on appeal was contrary to policy or clarified the policy intent.

4.80 With refence to Policy WST1 and WS2, the absence of data on the waste stream for wastewater would make the policy less effective.

Appendix 1 – Strategic Policies

4.81 On Policy EN10, the policy may be directed at Strategic Objective 8, but conflicts with Objectives 2 and 4 and potentially prejudices the delivery of Objective 3

AWS has no additional comments on the following Chapters and documents.

- Appendix 2 – Replaced Policies
- Appendix 3 – Open Space Standards
- Appendix 4 – Heritage Assets
- Appendix 5 – Parking Standards
- Appendix 6 – Mineral Extraction
- Appendix 7 – Waste Needs

2.12.24

4.82 On the Policy Maps the area covered by EN10 to the north and west of Rutland Water is not clear due to inset maps covering over the blue line.

5 Conclusion

5.1 AWS submits this representation with the intention that it enables joint work with RCC prior to the Local Plan's submission for Examination, supports agreed Modifications and so will avoid unresolved Issues being taken to Examination. We recognise at this stage of the Plan that some evidential gaps may only be possible to be resolved when a new Plan is progressed which considers the uplift in housing need proposed by Government in July 2024. That evidence base should include an Integrated Water Management Study, an updated SFRA using soon to be published EA modelling and Whole Life Carbon Assessment. AWS broadly supports the draft Plan and considers its spatial approach is deliverable. The delivery of the environmental and economic benefits of that proposed development could though be compromised if the Rutland Water policy and possible local landscape designations are not reviewed and amended.