

**RESPONSE FROM CLIPSHAM PARISH MEETING  
TO THE REGULATION 19 DRAFT RUTLAND LOCAL PLAN (SUBMISSION VERSION)**

**To: Rutland CC Local Plan Team**

**Copy to: Cllr Nick Begy**

**Date 28<sup>th</sup> November 2024**

**Introduction:**

The National Planning Policy Framework (NPPF) sets out four tests of soundness, which we understand to be as follows:

- i) **Positively prepared:** which relates to it being based on a strategy to meet development and infrastructure requirements for our local area of Rutland, but also to ensure that all development should be sustainable.
- ii) **Justified:** relates to the appropriateness of the Plan, as compared to other options.
- iii) For the Plan to **be effective** it should be in accordance with declared vision and strategy and deliverable within the period of the plan and therefore viable. Policy Statements should also be as clear and unambiguous as possible for correct interpretation and implementation by Development Control.
- iv) It should **comply with National Policy** and particularly comply with the various concepts of sustainable development as set out in the NPPF.

Furthermore, the value and validity of a Local Plan has to be judged by the clarity and consistency of its policies. The Local Plan is the principal guideline for decision-taking by the Development Control Team of the Local Planning Authority for all planning applications. Many Local Planning Authority decisions are delegated to planning case officers. Relatively few are made by the Planning Committee where more in depth consideration of an application can be made and where the community are able to present a view on the application before a decision is made.

It is of prime importance that the Planning Policies in the Local Plan contain clear guidance and criteria regarding what is and is not acceptable. Thus, in Local Plan Planning Policies, the distinction or borderline between what is acceptable and what is not, must be defined with clarity for all interested parties so that there is minimal room for disagreement over a determination between planning case officers in Development Control, the relevant Rutland community and the applicant.

It is therefore a principal function of the Local Plan to provide clarity and consistency of guidance and principle for all planning application decisions by Development Control and by the Planning Committee. Every planning policy should be capable of providing Development Control with clear unambiguous and consistent guidance on decisions to be taken on planning applications.

The Local Plan will need wide community support for its acceptance and therefore ease of consultation for the community (of such a large and complex document) and full support for that is essential.

Unfortunately, this current draft of the Regulation 19 Local Plan fails to meet some of these requirements.

- i) The Plan contains no management summary, and is sadly lacking a competently drafted strategic vision of how Rutland (England's smallest County, and mainly rural in nature) is intended to be seen and felt by its own community and the wider region towards the end of this Plan period, by 2041.
- ii) It has been stated by senior officers that the Local Plan is intended to be "Community Led" We know that there was a very wide response from the parishes to the Regulation 18 version of the Local Plan but to the best of our knowledge there has been no further engagement with communities which could be described as "consultation" over changes made to the Regulation 18 Plan leading to the Regulation 19 version. The work, effort and time required for any member of the community to attempt a meaningful review of the draft regulation 19 Local Plan presented in this way will deter many in the community from attempting to contribute to consultation.
- iii) Most of the policies are presented (including environmental and climate change policies) with a presumption in favour of development with vague and subjective lists of caveats which are undefined and open to a range of different interpretations within which development will be permitted.
- iv) There remain a number of policies (and in particular Policy SS3) which conflicts with the principles of sustainable development and which are no help to resolving significant past failures in present policies, concerning spatial strategy and the settlement hierarchy.
- v) The Plan contains many mentions of the NPPF but very few of them give a reference to the NPPF paragraph referred to and none state how the paragraph concerned will be interpreted by the Rutland Local Planning Authority.
- vi) Further modifications are considered necessary to some policies in the spatial strategy and housing sections in order to:
  - Secure sustainable development particularly in the smallest settlements with no or very few services
  - Provide clarity of planning policy intent for prospective developers
  - Provide policy statements with the clarity necessary to enable Development Control to take decisions in accordance with policy intentions without doubt or fear of appeal.

There have been very few changes to the Regulation 18 Local Plan introduced into this Regulation 19 version of the Plan. Nearly all of our concerns expressed at the Regulation 18 stage have not been addressed at the Regulation 19 stage and there has been no engagement between the planning authority and our community following our response to the Regulation 18 version of the Plan. Therefore, for the purpose of completeness, we provide below further details of our submission that this Regulation 19 draft Local Plan is unsound for a range of reasons which are explained below.

## **Chapter 5 Spatial Strategy**

The relevant policies to look at are:

- i) Policy SS1 – Spatial Strategy for new development
- ii) Policy SS3 – Small Scale development on the edge of settlements.
- iii) Policy SS4 – Future Opportunity Areas

### **1. What are planned limits of development. (The PLD)**

Sometimes referred to as the "village planning envelope" Planned Limits of development are a **Material Planning Consideration** when determining applications for new build and

extensions in the small villages. There is a presumption against planning consent for developments outside of the planned limits of development. PLD's therefore have a most important role in preventing continuous expansion and enlargement of small villages, and in ensuring that unauthorised development is not permitted in the open countryside which by definition lies beyond the immediate boundary of the PLD.

Therefore, PLD's are a most important planning tool (perhaps to be considered the most important planning concept) to allow the planning authority.

- i) To contain and limit development to sites within the village envelope.
- ii) To mark the boundary of the village and open countryside beyond the PLD

## 2. What the Policies say.

i) **Policy SS1 Spatial Strategy for new development** states (In the notes following the Policy statement) *"There are also a large number of smaller villages and hamlets spread across the County. The small villages and hamlets are defined as those with less than 150 houses and a population of less than 300 people. These villages have few or no local facilities and the scale of development required to bring such facilities to the village is likely to be much larger than the existing settlement pattern would accommodate. Promoting development in these villages would **not** encourage sustainable patterns of growth. In these locations development will, therefore, be limited to small scale infill and redevelopment opportunities"*.

ii) **Policy SS3 Small Scale development on the edge of settlements.**

The conditions a) to g) appear to apply to both of the following sub-sections:

- **Development within Planned Limits of Development:**
- **Development in small villages and hamlets without a Planned Limit of Development.** This section includes the sentence *"**These settlements are not sustainable locations for housing growth. Therefore, Planned Limits of Development have not been defined around them and no land has been allocated for development"***

## 3. Observations on Policies SS1 and SS3

We agree with the policy notes accompanying SS1 and SS3 which are reproduced in sections 2 (i) and 2 (ii) above. Thus we see that it is proposed to remove planned limits of development surrounding the periphery of the smallest villages and hamlets because they are not sustainable locations for housing growth. This seemingly contradictory measure will undoubtedly encourage housing development on the many small fields and paddocks around the periphery of Rutland's smallest villages and will lead to a significant increase in development pressure in the smallest villages which Development Control will have great difficulty in resisting.

With reference to the **Background Paper: Spatial Strategy for new development August 2023**, paragraphs 3.5 and 3.8 make it clear that development in the small villages is unsustainable. The section entitled **Monitoring past performance** in paragraph 5.13 refers to the Council's Authority Monitoring Reports for the period 2006 to 2021. This report shows that nearly 27% of all dwelling completions were located as windfall completions in the small villages, against an expected provision of 10%. It has to be concluded from this data that unsustainable development in the

small villages has far exceeded planning intentions and that additional measures are necessary in future to achieve sustainable development. Removal of PLD's from the small villages is hardly likely to reduce unsustainable development. Actually it is most likely to increase unsustainable development.

**It would seem to us that this policy to remove PLD's from the smallest villages is unsoundly based in principle and requires modification.**

### **3.1 Likely consequences of proposed Policy SS3.**

Assuming that conditions 1 to 3 and a) to g) of Policy SS3 are intended to apply equally to *development within planned limits of development* and also to *development in small villages and hamlets without a PLD*, this proposed policy will place housing development policy for the smallest villages and hamlets on a par with housing development policy in the local service centres, where it is proposed to retain planned limits of development. In fact the supporting text under **Why is this Policy Needed?** referring to policy SS3 will permit even greater scope for development in the smallest villages because they have no planned limits of development.

Likely consequences are therefore:

- To remove the planning boundary between the village and the open countryside beyond
- To merge and confuse the limiting planning policies for small villages with the more limited development policies in open countryside and actually to increase the development opportunities in the open countryside through the application of this policy
- To make it even more difficult for Development Control to control development in and around the periphery of the small villages.
- To give the planning authority more flexibility to allow development sites at the boundaries of small villages, contrary to sustainability principles outlined elsewhere in this Plan.
- Conditions (a) to (f) because of their lack of clarity and the very different interpretations which can be placed upon them by landowners, the village community and planning case officers, will impose an impossible determination task on Development Control and will cause increased friction between the planning department and the communities in the small villages.
- Condition (g) requires a pre-application community consultation exercise

### **3.2 The likely results of this policy**

- To open up new development opportunities in the fields and paddocks which surround the small villages, which (under present and previous policies which have been well established and relatively successful over the past 40 years or so) are preventable under the presently adopted Local Plan having PLD's established around the small villages.
- To permit housing development in what is now considered to be open countryside.
- To see a massive increase in windfall developments (that is on unallocated sites) in open countryside – could be up to 5 dwellings on each site and there could be several potential sites in each small village.

- The conditions or “provisos” (a) to (g) in Policy SS3 will enable developers to make planning applications and perhaps also to successfully appeal against Local Planning Authority refusals given the vagueness and difficulty in determination of these largely subjective conditions. For example:
  - i) Condition (a) extends approval of development on the edge of the smallest settlements beyond re-development and infill to include development which is “**well designed and proportionate in size/scale etc**” . How is that to be judged? A subjective condition which will cause disagreement between planning officers and village communities and ignores the admitted unsustainability of such development in the smallest settlements.
  - ii) Condition (b) indicates planning approval would be granted if the applied for development “**is adjacent to the existing built form and maintains or enhances the pattern, character and setting of the settlement**” How is this to be judged? A subjective condition which disregards and omits the follow on **comment** in the Policy SS3 that “**these (small ) settlements are not sustainable locations for housing growth**”
  - iii) Condition (c) permits development provided it **does not extend obtrusively into the open countryside and be appropriate to the environmental heritage and landscape character**. This is once again a subjective condition which will permit unsustainable development around the periphery of the small villages and hamlets.
  - iv) Condition (d) indicates that approval may be given for development in the smallest settlements provided it “**does not harm erode or harm the public amenity of open spaces or gaps etc** “ Another subjective and undefined condition which ignores the basic tenet that small settlements are not sustainable locations for housing growth.
  - v) Condition (e) permits development in the smallest villages provided it “**Supports or enhances the vitality of the local community**”. Does the local community need support and enhanced vitality? Who knows best? This is not a judgement to be made by a planning officer.
  - vi) Condition (f) permits development in the smallest villages provided it “**Does not have an adverse cumulative impact on the settlement etc**” Removing PLD’s from the small villages will most certainly create pressure for further development in the small villages which will have a massive cumulative impact for unsustainable development in the open countryside. There could easily arise three to five separate applications on separate potential sites, each for up to 5 dwellings in each of the small villages.
  - vii) Condition (g) requiring “**demonstration of clear evidence of substantial support from the local community**” appears to grant planning powers to Parish Meetings

Supporting the removal of Planned Limits of Development with the subjective Conditions above will without doubt lead to many disputes and increase the already stretched resources of Rutland Planning.

Policies dependent upon so many subjective opinions are always likely to give rise to unsustainable development. Policy statements need to be objective and

clearly framed so that, so far as possible, determinations made by Development Control are reasonable and appear sensible to parish communities. Planning policies need to be designed for clarity and certainty of determination. For these reasons **Planned Limits of Development** around the small villages need to be retained in the Regulation 19 Local Plan.

Policy SS3 may well lead to a situation where there are many more applications for windfall sites on the periphery of small villages leading to much higher level of windfall applications and consequent development around the periphery of the small villages and in the adjoining open countryside.

**This in turn will lead to the small villages, with little or no facilities, generating significant new commuter traffic to and from areas of employment, schools, shopping, medical services, and other essential community services.**

This is contrary to many other statements of intent in this Draft Regulation 19 Local Plan aimed at securing environmental protection, minimising atmospheric pollution, biodiversity protection, and avoiding the over loading of rural minor roads,

#### **4. Conclusions Concerning Policy SS3**

- i) Policy SS3 is most likely to lead to a massive increase in development of small green field sites mostly around the periphery of the smallest villages, leading to unsustainable development in the countryside. Clipsham Parish Meeting object to this policy and to all references in the text to it. It is recommended that this policy is modified or preferably removed from the Draft Regulation 19 Local plan.**
- ii) Planned limits of development should remain as they stand at present in the small villages. Any future changes to planned limits of development in the small villages should require prior consultation with the Parish Meeting or Parish Council concerned and agreement from the Parish meeting/Council before any changes are to be made.**
- iii) Various statements announcing that PLDs are no longer to be defined for the small villages and hamlets needs to be removed from the Draft Regulation 19 Local Plan. The PLD's are already defined for the small villages and hamlets, and they are needed to remain in place in the new Draft Regulation 19 Local Plan as they presently stand in the adopted Local Plan.**
- iv) It needs to be made clear that Conditions (a) to (g) do not permit development in the small villages of Rutland.**
- v) If only 10% of new development is to be in the Rutland small villages, Planned Limits of development are a vital constraint to ensure that this level is not exceeded.**

#### **Policy SS4 – Future Opportunity Areas**

This Regulation 19 version of the Plan introduces the site of **Woolfox** for a future major development, together with a revised assessment of scale for the site of **St. Georges Barracks**. These sites were not included in the Regulation 18 consultation documents and therefore there has been no opportunity for prior public consultation with the local

community on these sites. The previously proposed development of St. George's Barracks was rejected by the local community and eventually by the County Council leading to the withdrawal of the previous draft Regulation 19 Local Plan in September 2021. Developer interest in both of these sites has been known by the Rutland Planning Authority for some years. Proposals for development of the Woolfox site were ruled out of the previous withdrawn Local Plan and have not been included in the Regulation 18 version of this current draft Plan, so no prior public consultation has been possible until policy SS4 appears in the current Reg 19 Plan.

So far as we are aware there is no acknowledged need in Rutland for either one of these sites to be developed, let alone both of them. There is no evidence in the Regulation 19 Plan that the Planning Authority has carried out any work to justify and explain the need for these developments in Rutland. Government's potential changes to the NPPF or any changes to national housing targets will not create a "need" for major housing developments within the Local Planning Authority area of Rutland, where no such need exists. Therefore, development on these sites would produce a housing supply beyond any need in Rutland, and therefore could not be justified in any sensible planning assessment, and neither would it meet strategic criteria for sustainable development.

Inclusion of this policy SS4 is inviting master plans to come forward many years in advance of any acknowledged need in Rutland, simply adding uncertainty and confusion to the housing development situation in Rutland. These developments are not justified and they exceed any concept of meeting an acknowledged housing need in Rutland. The policy moreover, cannot possibly be justified by the principle of co-operation to meet the needs of neighbouring authorities.

**Upon these grounds we recommend that policy SS4 is removed from the submission version of the Rutland Local Plan.**

## Chapter 6 – Housing

### Policy H1 – Sites proposed for residential development.

- i) **Table 3 Housing Requirement** identifies a target spatial distribution of 2705 new dwellings to be completed over the period 2021 to 2041. Commitments and completions over the two year period ending March 2023 are already 1,516 dwellings leading to an indicative target housing supply of 1189 further dwelling completions over the remaining 18 years of the plan period.
- ii) Within these figures **Table 3** shows, for the small villages and hamlets (without a PLD) for the period 2021 to 2041 a target spatial distribution of 100 completed dwellings of which 63 are committed or completed already by March 2023. This means an indicative target housing supply to deliver the requirement of a further 37 new dwellings to be completed by 2041.

### 5. Observations Concerning Table 3 of Policy H1

- i) The commitments and completions at 31<sup>st</sup> March 2023 of 1516 dwellings already granted planning permission during the first two years of the plan period represents 56% of the total target spatial distribution over the next 18 years of the Plan Period up to 2041. How can these numbers be considered "justified" or "effective" when considering the soundness of this Regulation 19 Local Plan?

It is therefore self-evident that there is no need for large scale development such as St George's Barracks or Woolfox.

- ii) With reference to the small villages and hamlets the Authority Monitoring Report records 672 completions over the 15 year period between 2006 and 2021. This averages at 45 new dwellings per year. This equates to 26.7% of all new housing development in Rutland. Table 3 of policy H1 in the Regulation 19 Local Plan assumes an indicative target of 3.1 % of new housing supply will be contributed by windfall development in the small villages and hamlets, a total of 37 new completions over the eighteen year period to 2041.
- iii) There are no planning policies within the Spatial Strategy Chapter nor within the Housing Chapter which could possibly reduce housing completions in the small villages and hamlets from historical levels of around 45 new dwelling completions per year to 2 new completions per year which is shown in Table 3
- iv) Policy SS3 proposing the removal of Planned Limits of Development from the small villages and hamlets will inevitably increase the number of completions compared with historical figures unless new policies are introduced in the Regulation 19 Plan to reduce windfall development in the small villages and hamlets to sustainable levels.
- v) As presently drafted, the regulation 19 Plan is considered unsound because Spatial Strategy Policy SS3 is counter-intuitive to the Housing requirement Table 3 and the Plan is therefore not viable in this regard.
- vi) It is expected that Policy SS3 (the proposed removal of planned limits of development around the small villages and hamlets) will inevitably lead to a significant increase in development around the periphery of the small villages taking the figure well above the 26.7% of all new housing development experienced from 2006 to 2021.

### Conclusions concerning Policy H1

- i) We support the aims of Table 3 in Policy H1 but consider that relying upon the proposed development **of Stamford North** to provide for over one half of the total remaining housing requirement in Rutland up to 2041, carries some risks. These risks should be identified and acknowledged in the Plan and a carefully considered statement of how these risks will be managed should be included within the Plan.
- ii) We also support the housing supply indicative target figure for **the small villages and hamlets** shown in Table 3 but we conclude that **Policy SS3** in its current form simply does not support achieving this target which would be massively exceeded leading to unnecessary and unsustainable development in the small villages and hamlets. The estimates in Table 3 for target housing supply arising from the small villages is unrealistic and not supported by the most recent evidence provided by the Rutland Authority Monitoring Report (AMR)
- iii) The Rutland AMR clearly shows that windfall development pressures in the smallest villages and hamlets remains very high and therefore new, robust and clearly defined policies are required in the regulation 19 Plan to control



this unsustainable level of development. **This we believe, requires modifications to the Plan before submission.**

- iv) In view of the probability that new targets of housing need for Rutland will be introduced by Government in the near future, Local Plan Policies require immediate review and upgrade to protect small villages and hamlets including the open countryside surrounding them, from unnecessary and unsustainable development. **We recommend that these modifications need to be included in the Regulation 19 Plan before submission.**

## Chapter 8 Sustainable Communities:

### Introduction:

A comprehensive definition of what is meant by “sustainable” in this context is required to clarify a clear boundary line between what development will be considered sustainable and what development will be considered unsustainable – this is needed for the communities in Rutland, for Developers and for the Rutland Local Planning Authority to make rational and acceptable decisions concerning the scale and location of development in Rutland.

### Policy SC4 – Pollution Control

- i) This policy is incapable of implementation because of its subjectivity and vagueness. It clearly presents a presumption in favour of development. It is merely a wish list which it is impossible to accomplish. It does not even acknowledge the significant increase in air pollution from additional rural traffic which will undoubtedly be generated from Policy SS3. The policy needs to be re-constructed with a **presumption against development** and subject to defined and measurable targets to specify defined thresholds of air pollution which need to be guaranteed for development to be approved. **These thresholds must not exceed present measured levels of pollution.**

## Chapter 9 Environment

### Policy EN1 – Protection of Sites Habitats and Species

- i) Only **significant harm** will allow development to be refused. How is this to be defined for determination purposes? Without clarification this statement is meaningless.
- ii) **Clause 3 states: Development which would adversely affect, directly or indirectly other habitats or features of biodiversity/geodiversity importance or value will only be permitted in the following cases.** This policy means there is a presumption in favour of development on Local Wildlife Sites, UK priority habitats, locally important habitats and other landscape features, subject to undefined subjective conditions which cannot allow an agreed interpretation. **This clause 3 of policy EN1 needs to be re-written as a presumption against development with clearly defined and measurable conditions as to standards when development might be considered. The conditions need to be re-defined in such a way that there is clarity and no ambiguity as to how they will be interpreted by the**

Rutland community, by potential developers and by the Local Planning Authority. More work is needed on this clause.

**Clause 4: There is a presumption in favour of development on “irreplaceable habitats”** subject to vague and undefined circumstances and/or conditions. **The term “irreplaceable habitats” need to be properly defined.**

- iii) This policy presents no basis for determination by Development Control and will therefore lead to subjective and unfounded determination results by the Local Planning Authority. This policy needs to be re-written with a presumption against development with clearly defined and measurable conditions as to standards when development might be considered. The conditions need to be re-defined in such a way that there is clarity and no ambiguity as to how they will be interpreted by the Rutland Community, by potential developers and by the Local Planning Authority. More work is required on this clause.

#### **Policy EN2 - Local Nature Recovery Strategy.**

- i) When will RCC’s **Local Nature Recovery Strategy** be published for consultation? It has not been published yet (25<sup>th</sup> November 2024)

#### **Policy EN3 – Biodiversity Net Gain**

The opening sentence of this policy states **“This policy will ensure that all major development will contribute towards delivering measurable net gains for nature etc---”**. The second paragraph states that **“Biodiversity net gain will apply to all applications except for householder and advertisement applications, and other minor developments where biodiversity considerations are not appropriate, e.g. a change of use from A1 to A3”**.

There is clearly a conflict between these two paragraphs. The use of the words **“major development”** in the first paragraph is clearly incorrect and misleading because BNG requires virtually all new development to contribute towards the delivery of measurable net gains. Therefore, the word **“major”** should be deleted from this opening statement. How is the intended meaning of the NPPF understood and accepted by Planning Policy Section, we wonder?

- i) **The meaning of “qualifying developments” needs to be defined within this policy wording.** It would seem that almost all developments are “qualifying” developments with very few exceptions.
- ii) The policy states **“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.”**  
**Independent professional review by a competent authority of all Biodiversity Gains Plans is an essential requirement of this policy. Biodiversity Gains Plans submitted by applicants for development should not be valid for planning determination until they have been independently professionally reported upon. Therefore, full details of the professional review process and its application are required to be**

an integrated component of this Local Plan and subject to public consultation.

- iii)** It is noted that ***“The Council will consider providing further detailed guidance on this policy in the form of a Supplementary Planning Document which will set out specified requirements “The statutory implementation date for this policy was November 2023. Therefore, it is essential that a comprehensive Supplementary Planning Document is available for consultation and implementation at the earliest possible time.*** This Regulation 19 Local Plan should include this SPD for consultation. Significant guidance is available on the content of a model SPD from recent Government publications. Also, some other LPA’s have produced much more detailed guidance by way of SPD on the detailed operation of BNG. It is recommended that the Local Plan Team research work done by other LPA’s and that the North Warwickshire Local Plan may be particularly helpful on the subject application of BNG. This research should be used to expedite the Rutland SPD.

#### **Policy EN5 - Ancient Woodland and Veteran Trees**

States as follows:

***“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:***

- i) ancient woodland; and***
- ii) the loss of aged, ancient or veteran trees found outside ancient woodland will be supported.”***

**Commentary:**

- i) What type of new development would be expected to protect and enhance irreplaceable habitats including ancient woodlands and ancient and veteran trees? Please provide a justification for this statement.**
- ii) Proposals which avoid or prevent the loss or deterioration will be supported?**
- iii) This policy needs to be changed to create a presumption against development and clearly defined justifiable exceptions are itemised and explained for clarity of decision making.**

#### **Policy EN8 – Important Open Space and Frontages**

- i) This policy provides a presumption in favour of development subject to the development not having an adverse impact upon a number of subjective and vaguely defined principles.**

- ii) This policy therefore presents great difficulties for determination by Development Control and will undoubtedly fuel disagreement and tensions between the Local Planning Authority and the Rutland community.
- iii) **This policy should clearly state a presumption against development** and any possible exceptions permitting any development need to be clearly defined to avoid any ambiguity or challenges over differences of opinion.

**Policy EN13: Protecting heritage assets.**

**1. Designated Heritage Assets**

This policy states: ***“The Council will apply national policy to development proposals which affect designated heritage assets”*** The applicable national policies need to be **specified and referenced**. This introduction might as well say “the Council will comply with the law” It has no meaning and provides no guidance for the implementation of the policy by Development Control. It cannot contribute to the determination of planning applications. **Therefore, in its present form, this policy is unsound.**

**2. Conservation Areas:**

This policy provides a presumption in favour of development in conservation areas. What does ***“significant weight”*** mean? How is ***“development within, affecting the setting of, or affecting views into or out of a Conservation Area”*** expected to ***“conserve, or enhance features that contribute positively to the areas special character, appearance and setting ---”***? This policy appears to contain subjective, vague undefined mixed messages and is therefore unsound.

**3. Buildings of local importance/non-designated heritage assets.**

This policy contains no benchmarks or guidelines for determination by Development Control. The terms used in this policy are subjective and are open to widely differing interpretations. They offer no basis for determination by Development Control. They will lead to planning decisions without any foundation in principle. **This policy is therefore unsound.**

**Summary:**

**Policy EN13 provides no improvements on adopted policy SP20 for the protection of heritage assets, even though development pressures have much increased over time since policy SP20 was drafted. We would expect to see a clear presumption against development around heritage assets in this Regulation 19 Local Plan whilst clearly explaining the considerations which will be weighed in exceptional circumstances where development applications may receive sympathetic consideration. These cases should be limited to where a clear and demonstrable public benefit results from any development which might impact heritage assets.**

**Chapter 10 – Minerals and Waste**

- 1. This chapter in the draft Regulation 19 Local Plan recognises that there will be significant expansion of the minerals industry over the Plan period which will particularly impact the eastern side of Rutland.
- 2. The likely scale of the developing industry is new to the County and is already presenting new challenges for the Minerals Planning Authority. The increasing levels of activity exposes those areas of the County to far greater environmental and public

health impacts than those experienced from the historic low level of quarry operations associated with ownership of quarries by local landowners in Rutland.

3. It is essential therefore that policies in this new Local Plan properly address the potential issue arising from this developing and expanding industry in order to afford effective protection for the communities which may be affected.
4. It is necessary that policies are included in this plan which clearly detail planning conditions for the safe development and control of site operations. Policies are also required to specify measures to secure effective monitoring and the management of emissions to ensure that the industry becomes environmentally sustainable and presents acceptably low levels of risk to public health within our County.
5. The current drafting of policies in chapter 10 is very sparse on detail and does not address many of the acknowledged potential risks arising from minerals activities.
6. We consider that the minerals plan must be subject to much greater consideration and understanding of the potential risks and that specific policies are necessary for:
  - i) Defining a requirement for **realistic quantitative environmental risk assessments** based on site specific data which identify the exact nature and scale of potential adverse impacts for all new and expanding existing minerals planning applications.
  - ii) **Mandatory Health Impact Assessments** for any proposed mineral application whether for a new quarry site or for any expansion of an existing site.
  - iii) **Adequate infrastructure enhancements** necessary to support this growing industry in Rutland.
  - iv) **Minimising the visual impacts** of quarrying in Rutland
  - v) **Ensuring timely progressive restoration of all minerals workings** within the County
  - vi) Effective and robust **monitoring and enforcement of planning conditions** to ensure that this industry within the County is operating to the highest possible standards of public protection for the residents of Rutland.
  - vii) **Mandatory Liaison teams** including the quarry operator, local residents and the mineral planning authority to provide an agreed information channel and timely communication to the local community of monitoring results and any enforcement actions taken.
  - viii) **Mandatory PM10 dust monitoring** in-line with environmental best practice.
7. The policies within the Minerals Section of Chapter 10 need to be precise, unambiguous and provide clarity of intent. This is necessary in order to:
  - set standards to proposed and existing developers as to what is an acceptable development
  - To provide the local community and especially nearby residents, with an absolute assurance that any development or expansion of operations will not impact their health or wellbeing and neither will it harm the environment in which they live.
8. As currently drafted in the Regulation 19 Rutland Local Plan many of the policies do not meet these standards and it is for this reason that we submit the conclusion that the **Minerals Section of the Plan is unsound**

## **Closing Conclusions**

1. **Taken overall, this draft Regulation 19 Local Plan represents an incomplete approach which lacks sufficient depth, precision and accuracy in many important areas. This would adversely affect future development in Rutland which would lead to very significant**

unsustainable and overdevelopment of this small rural County during the next 18 or so years.

2. During the very short period offered for public consultation of this Plan the level of community disappointment and dissatisfaction with:

- The failure to engage with the community during the development phases of the plan and from its transition from Regulation 18 to Regulation 19
- The difficulties presented to access the whole plan unless the reader is very experienced in the use of IT and the absence of a fully documented version
- The vague and subjective nature of policies and their cumulative harmful impact on Rutland's natural environment and the quality of life

has been well demonstrated in the community meetings that have taken place and in consultation responses which have already been received by the Planning Authority.

3. It would appear that many of the policies within this Regulation 19 Plan are unsound for reasons explained in the above text, and a number of major modifications are recommended before submission.

Signed:

Clifford J Bacon (Clerk to Clipsham Parish Meeting)

Michael D Airey (Chairman of Clipsham Parish Meeting)

28<sup>th</sup> November 2024

Representation ID: ---