

PD12597/JWB/LH

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02 December 2024

**Rutland County Council
Planning Department**Catmose House
Catmose Street
Oakham
LE15 6HP**FAO: Mr R Ranson**

Dear Mr Ranson,

**PLANNING & COMPULSORY PURCHASE ACT 2004 (AS AMENDED)
TOWN AND COUNTRY PLANNING ACT (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012
NEW RUTLAND LOCAL PLAN – REGULATION 19 (PRE-SUBMISSION) LOCAL PLAN CONSULTATION**

On behalf of our client, the Defence Infrastructure Organisation (“DIO”), please find below representations to the Regulation 19 Pre-Submission consultation of the Rutland Local Plan (“the emerging Local Plan”). For ease of reference, the representations are structured in response to the matters as raised in the consultation document and note that this letter is submitted alongside comments made through the Council’s online consultation portal. The comments specific to each policy are the same between the two submissions, with this letter providing additional relevant background context and technical information to provide a full discussion of matters that is not possible through the online portal.

This letter follows the detailed comments submitted on behalf of the DIO in respect of the Regulation 18 Local Plan Consultation, in January 2024.

BACKGROUND

The St George’s Barracks site was identified by the Ministry of Defence for closure as part of the Strategic Defence Spending Review (2015) and the MoD’s Better Defence Estate (2016). Site operations are beginning to halt, and the barracks is currently subject to a phased vacation which is expected to be completed by 2026 with personnel relocating to Kendrew Barracks which is currently undergoing a £61m expansion project. At this point the majority of the site will become vacant with the exception of security and commercial tenants located in the hangars to the north of the perimeter road.

The Ministry of Defence’s land ownership includes the main St George’s Barracks site, and the former Officers Mess to the west of Edith Weston Road as a distinct development opportunity. Both sites are discussed within the emerging Local Plan, and it is noted that the Officers Mess site (Policy H1) has been granted outline planning permission (ref: 2023/0822/OUT) by Rutland Council. The Decision Notice was issued on 18th November 2024, following the completion of a Section 106 Agreement. The Officer’s Mess site is also allocated in the plan for development (H1.2), a position which is supported and reflects the commitment to dispose of the site for development.

The DIO have worked alongside Rutland Council for several years to explore the future of St George’s Barracks and its ability to be developed for alternative uses. The DIO welcomes the opportunity for continued engagement with the Local Authority as the new Local Plan is prepared so that this important brownfield opportunity can be delivered.

REGULATION 19 CONSULTATION

The Regulation 19 consultation documents comprise the Pre-Submission version of the Local Plan and supporting evidence base, and the purpose of this stage is to establish if the Local Plan has been prepared in accordance with legal and procedural requirements, and whether it can be considered “Sound”.

As per NPPF Paragraph 35, for Local Plans to be considered sound, they must be;

- Positively prepared – with a strategy which seeks to meet the objectively assessed needs, as a minimum;
- Justified – an appropriate strategy based on proportionate evidence;
- Effective – deliverable over the plan period, and based on effective joint working where required; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with relevant policy.

The Consultation document presents a series of site allocations for housing and employment across the Council area, alongside development management policies in respect of matters such as design, open space, flood risk, renewable energy and amenity.

Chapters 1 and 2 frame the Local Plan and provide an overview of Rutland's Spatial Portrait for growth. The DIO do not have any specific comments to make in respect of Chapters 1 and 2. These representations respond on Chapters 3 – 11 and have been framed in relation to the draft Policy wording in the consultation material.

Our submissions on behalf of the DIO are also submitted in the context of imminent national planning reform, which is expected to have a fundamental impact on the future growth of Rutland. This context is at the fore of the Regulation 19 consultation document and has undoubtedly influenced the approach to this Local Plan.

CHAPTER 3 – VISION AND OBJECTIVES

The Council's vision has remained clear and consistent since the Regulation 18 consultation stage, with a commitment to support healthy, sustainable and mixed-use communities which improve quality of life and address climate change whilst encouraging opportunities for business and investment.

The DIO are supportive of the overarching vision for the Local Plan and recognise that development is required beyond the market towns to ensure villages and local communities remain vibrant. It also seeks to protect the rural character of the countryside when bringing forward development which can be achieved by building development on the least sensitive sites and by providing a landscape led approach to development.

The DIO support the Council's proposed strategic objectives and encourage the draft policies which respond to climate change, the delivery of sustainable, prosperous and well-designed communities, with appropriate housing and employment opportunities.

Our Regulation 18 submissions made several direct comments in respect of Strategic Objectives 7 and 9, relating to high quality design and effective use of land and natural resources. We do not repeat our comments, however we note that St George's Barracks remains to be one of, if not the largest, brownfield sites which can deliver high quality residential led development, at the heart of the Rutland Local Plan vision and objectives during this and future Local Plan periods. As such it is imperative that greater weight is given to the early delivery of phased development at St George's Barracks, in the context of current and future growth requirements.

The site is situated in a sustainable and accessible location and will provide much needed affordable, high-quality housing and employment opportunity. Moreover, redevelopment of a brownfield site will make an effective use of land and in turn reduce the requirement for development on greenfield sites, as part of a future Local plan review. The NPPF¹ provides many clear policy directions to the need for a focus to be made by LPAs on the delivery of brownfield land first. Moreover, the NPPF is clear on the weight that must be given to brownfield land in policy formulation. Paragraph 124c states:

"...c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;.."

Whilst the Council's approach to the identification of St George's Barracks has changed since the original Regulation 18 consultation, we believe that the policy as drafted does not pass the test of soundness. The delivery of an early phase of planned growth at St George's Barracks, and the allocation at the Officer's Mess at Policy H1, can help Rutland deliver upon the longer-term Strategic objectives in the Local Plan and Future Rutland Vision. We believe that a more definitive allocation of the St George's Barracks land will demonstrate a robust and positively prepared plan, the absence of which makes the plan currently unsound and subject to challenge.

CHAPTER 4 – CLIMATE CHANGE

The DIO are supportive of the Council's objective to tackle the climate crisis and ensure that development takes a proactive approach to carbon reduction, in line with national policy.

Policy CC2 – Design Principles for Energy Efficient Buildings

At Regulation 18 stage we identified a number of technical matters included in the emerging policies which duplicated matters already dealt with through alternative legislation (such as Building Regulations) and which are subject to frequent

¹ NPPF paragraphs 23, 38, footnote 27, 65 70a 123, 124c and 125.

change. The Council have maintained references to matters covered by alternative legislation, such as draft **Policy CC2** – Design Principles for Energy Efficient Buildings. The post-text for this policy makes reference to future consultation and changes in these matters, which will result in dated Policies, or potential conflicts with other legislation. As written we consider this policy to be contrary to paragraph 35 of the Framework because the policy as drafted is neither justified or effective.

We consider that the inclusion of such duplication is not justified and should be removed from the Local Plan to help streamline planning policy and improve effectiveness during the determination of applications. Furthermore, the Ministerial Statement made by Lee Rowley on 13 December 2023 made it clear that LPAs could not introduce planning policies that go beyond current or planned Building Regulations. At the very least the policy should recognise the additional cost pressures that increased sustainability measures can add to a development and the fact that not all technologies are practical or viable to deliver.

Policy CC5 – Embodied Carbon

The DIO are supportive of the Council's approach to resilient design and renewable energy, however we are disappointed to see that our previous comments in respect of draft **Policy CC5** – Embodied Carbon, have not been addressed. For completeness, guidance was requested in relation to the Council's expectation from applicants, when providing a "full justification for the demolition" of a building. The Policy, and post-text, is silent in this regard and therefore the practical implementation of the Policy is challenging without guidance on what needs to be submitted and relevant skillset within the Council to consider the information being presented without reliance on third parties to review which adds cost to the development process. Consequently, the policy is ineffective in its current form and unsound, warranting its removal from the plan. As written we consider this policy to be contrary to paragraph 35 of the Framework because the policy as drafted is neither justified or effective.

Policy CC8 – Renewable Energy

Similarly, comments made at Regulation 18 stage in respect of draft **Policy CC8** – Renewable Energy, have also not been actioned, and we reiterate our concern regarding the practical implementation of this Policy. Specifically, we note that not all renewable energy technologies would give rise to the issues that the policy is requiring developments to assess, for example solar and battery electrical storage systems ("BESS") has no impact upon radar.

As worded, every part of the policy would require a technical report which would require needless cost and work for developers where such development should be encouraged. Part B of the Emerging Policy should be amended to remove the "and" which would allow matters to be addressed only where the scheme is likely to give rise to such issues.

Additionally, at over two pages in length, this policy is also particularly long and, in a development management sense, would be difficult to comply with. It would therefore be useful to have clear sub-sections and/or to create new policies relevant to specific technologies to simplify the plan and ensure it can be appropriately applied moving forward.

The approach to identifying "ground mounted solar PV opportunity areas" is unclear and omits important opportunities where this can come forward as part of larger mixed-use sites, such as St Georges Barracks, where commercial or private-wire opportunities exist. We also suggest that small-scale turbines may also be appropriate on site and given the areas of search for turbines in the vicinity, both forms of renewable energy could be compatible with the site's potential ecological designation. As written, we consider this policy to be contrary to paragraph 35 of the Framework because the policy as drafted is neither justified nor effective.

CHAPTER 5 – SPATIAL STRATEGY

The Spatial Strategy provides the overall framework for the quantity of development that should be planned for, and where this development is to be directed, linked to the roles of the towns and villages in Rutland. It identifies settlements that are suitable locations for sustainable development and is a key factor underpinning the distribution of development.

Emerging Policy SS1 – Spatial Strategy for New Development

In July 2024 a revised NPPF was issued for consultation with the principle aim of improving housing supply and economic growth across the country. This document is due to be brought into force at the end of 2024.

The primary issue we raise in respect of the draft spatial strategy is that it ignores the Government's well-versed and acknowledged policy of brownfield first. As set out above, the Government is clear on the need to prioritise brownfield land ahead of greenfield land. The draft Rutland plan fails in this regard and therefore the strategy cannot be considered sound especially when the availability of public sector land has been made clear to the Council for some time.

Under the transitional arrangements contained within Annex 1, local plans are to progress under the 2023 NPPF where identified housing need is within 200 homes of what would be the requirement under the new standard method. It is acknowledged that under the transitional arrangements the new NPPF is not a consideration, however, given the scale of increase proposed by the new standard method (115% to 264 homes per annum), this increase is an important consideration for the Council's spatial strategy for housing supply.

In the context of the 2023 version of the NPPF, Rutland have maintained the requirement in the Regulation 19 Plan for at least 123 dwellings per annum (2460 over the Plan Period to 2041). It is also noted that a minimum of 16 hectares is to be allocated for new employment generating uses (draft Policy SS1). The approach to local housing need and settlement hierarchy has not changed since the Regulation 18 consultation, however the quantum of employment land has significantly dropped from 27ha to 16ha.

As per the Regulation 18 strategy, the majority of new development will be focused within the Planned Limits of Development (PLD) of Oakham and Uppingham, and land adjacent to the urban expansion at Stamford North. Edith Weston is defined as a 'Larger Village' where development of allocated sites and windfall sites within the PLD will be permitted. We consider that, as a minimum, the settlement boundary for Edith Weston should be amended to incorporate the existing built development contained at St George's Barracks. The existing built development on the barracks already exists and therefore, notwithstanding the wider strategic opportunity on the wider DIO estate, this land provides existing buildings which form part of the built environment. In line with Government policy, the built area of the barracks meet the NPPF definition of previously developed land which is importantly contiguous with the existing settlement and can provide brownfield redevelopment opportunities early in the plan period.

Since the last consultation, the Council have changed their approach in respect of the inclusion of 'reserve sites' which are now omitted entirely. Further comments are provided in relation to Chapter 6, however we reiterate our concerns from the Regulation 18 representations that the 123 dwellings should be treated as a minimum, and the numbers are not reflective of the Council's own evidence base in the Housing Market Assessment, which points towards a need of 167 dwellings per annum. Paragraph 61 of the Framework makes it clear that "*the outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area.*" Therefore, as currently prepared the draft Rutland Plan is a "dominimum" plan.

It is anticipated by the Council that an immediate review of the Local Plan will be required to identify additional sites to deliver the substantial growth in housing targets expected through proposed national planning policy reform. The DIO are of the opinion that the need for an immediate review could be avoided if the Council took a more positive approach to housing opportunities across the County. Given that the scale of housing delivery required is known, an alternative and appropriate strategy to be taken for the plan would be to identify and allocate further housing opportunities to address the housing requirement and to avoid a future situation of unplanned growth. This is acknowledged by RCC in respect of policy SS2 which might support planning applications if there is less than 5 years housing land supply, a situation that should be avoided as unsuitable greenfield sites may be brought forward. As such, the approach to housing numbers is considered to be unsound as it is not effective in delivering much needed housing or boosting significantly the supply of homes, nor is it the most appropriate strategy when there are brownfield sites available and deliverable for housing delivery.

In identifying the approach to housing opportunities, the DIO recognises that the Regulation 19 consultation document has made a fundamental change to emerging Policy SS1 – Spatial Strategy for New Development, to now include specific reference to, and a degree of support for, St George's Barracks as a future redevelopment opportunity. Policy SS1, Part d), states:

d) the reuse and/or redevelopment of land within the defined St George's Barracks or Woolfox Opportunity Areas will be supported where it accords with the requirements of Policy SS4 and the principles and requirements of any adopted masterplan, SPD or DPD for the site;

No further context is provided in relation to this addition within emerging Policy SS1. The DIO are supportive of the inclusion of St George's Barracks in this Regulation 19 Local Plan consultation document and the weight given to this site as a future growth opportunity. We acknowledge that this is a significant shift in the spatial strategy and welcome the explicit support for re-use of this brownfield site. However, we consider that the Council should go further by amending the settlement boundary to include the existing built form of the barracks, which is contiguous with the existing built form with the settlement boundary. As drafted the Planned Limits of Development presents an unnecessary restriction in policy terms on the release of St George's Barracks, contrary to NPPF paragraphs 23, 35, 38, footnote 27, 65, 70a, 123 and most significantly 124c.

The DIO have made previous submissions in relation to the suggestion that the preparation of a separate development plan document (or similar) may be required for St George's Barracks. This was initially put forward in the Regulation 18 Local Plan, draft Policy SS5 – St George's Barracks Opportunity Area. We maintain our objection to the requirement for a separate development plan document for the Site. Further commentary is provided in respect of Regulation 19 draft Policy SS4, below.

Emerging Policy SS2 – Development within Planned Limits of Development

The emerging policy states that within the Planned Limits of Development (PLDs) indicated on the Policies Maps, planning applications for development will be supported in principle, where they accord with all relevant Local Plan policies. The DIO agree with the principle of this emerging strategic policy and welcomes the adjustment of the PLD for Edith Weston to include the Officers Mess which is supported as it reflects the site's relationship with the village and the brownfield opportunity it presents for development, in line with the outline planning application which has been approved by Rutland Council on 28th November 2024, including Section 106 agreement.

It is noted, however, that the St George's Barracks main site is not within a PLD boundary at this time, despite the brownfield opportunity it presents, the role in the Spatial Strategy at Policy SS1 and emerging Policy SS4. The DIO provided detailed comments at the Regulation 18 stage and maintain that the brownfield land at St George's Barracks should be included in the Edith Weston PLD boundary.

The main barracks site is a large brownfield development area which will become vacant from 2026. As such, a meaningful future use of the site will be required to avoid it remaining vacant. The DIO encourage the Council to re-consider the evidence submitted by the DIO as part of the Local Plan Regulation 18 consultation, and this submission, to illustrate that development can reasonably come forward on the brownfield area of the St George's Barracks site during this plan period, in line with national planning policy and the growth area identified on the Council's proposals map. Doing so would remove the need for further updates to the planned limits of development and ensure that the growth opportunity is fully understood without the need to rely on Policy SS2's fallback of bringing forward sites outside of the planned limits should the Council not be able to identify a suitable supply of homes.

As written, draft policy SS2 is unnecessarily restrictive and should be re-written to provide a more positive approach to brownfield windfall sites (avoiding the need to meet criteria 1-3). Without changes to the settlement boundary of Edith Weston to include the built estate at St George's Barracks or a more definitive policy allocation for St George's Barracks at SS4, this policy is contrary to paragraph 35 of the NPPF as it is not positively prepared, is ineffective, and is contrary to the brownfield first principle for delivering sustainable development.

CHAPTER 5 – SPATIAL STRATEGY – POLICY SS4 – FUTURE OPPORTUNITY AREAS

The Council's approach to future growth at St George's Barracks has changed from a standalone emerging Policy at Regulation 18 stage (emerging Policy SS5 at that time) to a combined Policy looking at large scale development, framed as 'Future Opportunity Areas' in the Regulation 19 document. As identified in the Policy pre-text, this is a direct response to the anticipated increase in Local Housing Need expected as part of national planning reform.

St George's Barracks and land at Woolfox are identified as future opportunity areas and defined on the Regulation 19 Policies Map. Whilst it is encouraging to see the continued recognition given to St George's Barracks as previously developed land in the Council's strategic approach, the DIO express strong concerns with the decision to delay the delivery of homes on the County's largest brownfield opportunity by removing the site-specific Policy for St George's Barracks, and amalgamation with the Woolfox site under an opportunity area policy.

St George's Barracks and Woolfox are two distinctly separate sites and should therefore be addressed under different policies. There is no justification to support such an approach, and we believe it has resulted in an overly lengthy and unclear policy which will only serve to delay the delivery of much needed development. It is an ineffective policy that is wholly contrary to the brownfield first principles set out in NPPF which should be given substantial weight and represents a failure to proactively bring forward land held in public ownership.

Policy SS4 introduces a range of parameters to guide future masterplanning for both sites, however this is notably more prescriptive in relation to St George's Barracks. The draft policy states that each site should come forward in accordance with a site masterplan, to be part of either an early review of the Local Plan, or separate Development Plan Document (DPD). As set out above and in previous representations, the DIO have expressed concerns about the unnecessary delay that a separate planning policy document will bring, particularly for St George's Barracks which will be vacant from 2026 and is capable of delivering up to 500 homes as part of an initial mixed-use development, with a significant number of units capable of early delivery within the first 5 years of the plan period. The remainder of the site could come forward under a plan review / SPD / site specific DPD as appropriate. Please see the Potential Strategic Land Use Plan prepared by HLM which illustrates the Phase 1 land which should be included now, with Phase 2 land subject to masterplanning.

The DIO have been working with Rutland Council for many years to bring forward development on this brownfield site, including the early delivery of additional homes and employment opportunities in a sustainable location. Work undertaken to date has concluded that the previously developed land totalling c100 ha at St George's Barracks is suitable, available and deliverable, and can come forward in the first 5 years of the plan.

It is therefore disappointing that the Regulation 19 consultation explicitly references that "no allocation is made for the site(s) in this Local Plan". This is at odds with Policy SS1 but also Policy SS4 itself which is detailed both in terms of the

number of dwellings that could initially come forward on the site and the requirements of any planning application. In contrast, we note that no such figures are provided in respect of the land at Woolfox.

We also highlight that under the previous iteration of the draft Local Plan that was withdrawn from examination in 2021, the Woolfox site was subject to an independent sustainability assessment. This concluded that the site was not suitable for development (unlike St George's Barracks). The position on the site has not changed, and the DIO therefore objects to the inclusion of Woolfox as a location for growth in this plan.

The lack of any formal allocation for St George's in this Local Plan, even as a first phase of development on part of the brownfield site, results in an extended period of uncertainty around the future of the site and the Council's Local Plan timetable is likely to protract beyond the vacation of the land by the military, whilst the Local Plan review or DPD catches up. We strongly oppose this approach and without further amendment, believe the Local Plan is unsound on the basis that it is not effective in its approach and does not present the most appropriate approach when considering all options. This is contrary to paragraph 124 c and 125 of the Framework which indicates that substantial weight should be given to the value of using sustainable brownfield land and a proactive approach taken to the release of brownfield land held in public ownership.

The DIO suggest that the Policy should allow for a standalone allocation for the brownfield part of the site, to enable phased delivery of new homes and associated infrastructure. As identified in our Regulation 18 written submissions and accompanying drawing 'Phase 1' would comprise part of the previously developed elements of the site, adjacent to Edith Weston Road and Pennine Drive / Welland Road, 'Phase 2' comprises the other land. As part of these Regulation 19 representations, HLM Architects have prepared a new drawing which illustrates the Phase 1 land which we believe should be allocated now, for mixed use including 500 dwellings, without impacting sensitive habitats on the wider airfield land. The Phase 2 part of the site can come forward subject to appropriate masterplanning, through the Local Plan Review.

The DIO have previously submitted detailed representations, including wording for a phased Policy of this nature. We strongly encourage the Council to reconsider this matter, to ensure that the Local Plan is consistent with national policy and planning positively for the future of this soon to be vacant brownfield site.

We are therefore of the opinion that Policy SS4 should be updated to formally allocate St George's Barracks and to bring forward housing on brownfield land in accordance with the detail presented. This can still be achieved through a masterplan SPD, if an additional level of detail is sought by the Council over and above that contained in the Policy, but removes the significant delay that a DPD would incur. Given the uncertainty of capacity and suitability of the greenfield Woolfox site, this can remain as an opportunity area but subject to its own policy and future DPD to respond to changes in housing need as a result of the future version of the NPPF.

A phased policy does not fundamentally change the long-term approach to planning for the site, however it will result in a definitive allocation to be brought forward within this plan period, giving the Council certainty regarding additional housing delivery over the plan period, without the unnecessary delay of a separate DPD or Local Plan review. Furthermore, an amendment to the settlement boundary and an allocation in the draft plan will provide certainty for the DIO in pursuing its disposal strategy in a timely manner once the site becomes vacant in 2026 and reduce the time (and cost) that the site may lie vacant, which will require public funds needing to be spent on security and maintenance.

This is an important consideration in the context of proposed national planning reform and the ongoing priority to make the most efficient use of brownfield land. This is especially pertinent if these future development plan documents are delayed, and the Council finds itself in a position where it is unable to meet the new local housing need and may be subject to speculative, unplanned and uncoordinated development in the future. This underpins the need for Policy SS2 to be less restrictive around windfall development for it to be sound and/or for the Plan to be more positive in its approach to the St Georges Barracks site.

The DIO considers that draft Policy SS4 already includes extremely detailed requirements for any future masterplanning of the St George's site, both in respect of general masterplanning principles (a – p) and specific matters to be addressed at St George's specifically (q and r). The Policy as currently drafted is significantly more detailed than those elsewhere in the plan pertaining to the specific site allocations and should form part of the proposed approach to allocation above.

CHAPTER 6 – HOUSING

The Council have used the emerging Local Plan to highlight the importance of identifying sufficient land to deliver housing and for that land to be capable of delivery without delay following the grant of permission. The DIO supports this statement and advocates the need to plan positively for the delivery of housing within Rutland that provides opportunities for all residents and levels of affordability.

Emerging Policy H1 makes provision for 2705 dwellings over the plan period (28 less than Reg 18 stage) when taking into account allocations, completion and commitments. As written, we object to the exclusion of St George's Barracks, which represents an opportunity larger than any other site contained on the Council's current brownfield land register. The substantial weight afforded to brownfield land and a requirement for LPAs to proactively support the release of brownfield sites in public sector ownership has not been taken in selecting housing allocations in the draft plan. The Policy no longer lists reserve sites, which had formed part of the Regulation 18 strategy. This number includes the 123 dpa and a 10% buffer.

There are a handful of site allocations included in the draft policy, split between Oakham, Uppingham, the Larger Villages and Stamford North. Although the reserve sites are no longer included, the Council's strategy relies upon a significant proportion of greenfield land. The DIO support the inclusion of the Officers Mess site (H1.2) in this Policy which is a committed development with planning permission. It is noted that a significant number of units, approximately 300, to be delivered in Uppingham are not included as site specific allocations in this Local Plan and will be allocated through the Uppingham Neighbourhood Plan. For consistency in approach to housing sites coming forward in the plan period, if land is to be allocated through an alternative development plan document, then it should be identified as an Opportunity Area under Policy SS4 (as currently drafted).

Policies H3 - Density and H4 – Meeting Housing Needs

The DIO wish to reiterate the comments made at Regulation 18 stage in respect of emerging policies H3 – Density, and H4 – Meeting all housing needs.

We support the proposed policy wording in respect of density which sets a minimum of 25 dwellings per hectare but reiterate concern that the Housing Allocations Policy (H1) adopts a standard density of 30 dwellings per hectare for the spatial distribution of homes. If the lower density is used for development management purposes, there would be a 5% shortfall home homes against the requirement identified in Policy H1. Since all development should be making effective use of land in line with the NPPF, the higher level should therefore be used for Policy H3 which will ensure effective application of the plan and remove the conflict that exists between policies.

The DIO supports the inclusion of market and affordable target mix for the County under Policy H4. We note that these are separate provisions for each of the allocated sites and acknowledgement that larger sites may include an alternative mix to meet the needs of the community, and to respond to market requirements at that time and their individual viability pressures.

It is recognised that Rutland has an ageing population and this needs to be reflected in the housing requirements which is driving the need for Policy H4a and including specialist housing needs. Such housing typologies require a number of considerations relating to not only need, but proximity to supporting services and employment opportunities and are not therefore suitable for all locations. The broad aims of this part of the policy are supported, but to ensure that it can be effectively applied in a development management scenario it should be recognised that this requirement should be explored on sites and delivered where possible.

Policy H5 – Accessibility Standards

Emerging Policy H5 relates to accessibility standards for new dwellings, seeking to ensure that provision for adaptable and accessible units is delivered in line with Building Regulations. Whilst the DIO are supportive of the delivery of accessible new homes, we do not support the inclusion of the Policy within the Local Plan, as it remains an optional requirement under the current Building Regulations. Where evidence cannot be provided to justify the requirement for all new dwellings to be M4(2) compliant then this policy should be deleted. This approach is not justified and should be removed to ensure that the plan is found sound.

Policy H7 – Affordable Housing

The DIO supports emerging Policy H7 – Affordable housing which identifies the requirement for 30% affordable housing, with a mix of unit sizes and affordable tenures, subject to appropriate assessment of viability. The DIO support the inclusion of detailed wording in respect of site-specific viability, in line with national guidance. However, given the continued and evolving need for Service Family Accommodation in the County, it is proposed that the definition of affordable housing includes the ability to provide this specialist housing requirement. This will allow housing to come forward as an integrated part of communities, and to avoid Service Family Accommodation schemes needing to undergo a viability argument to negate an affordable housing contribution. This would be a positive and effective strategy to delivering housing for all within the County, making Policy H7 sound.

Policy H10 – Meeting the Needs of Gypsies, Travellers and Travelling Showpeople

We note that there remains a reference to future provision of land for Gypsies, Travellers and Travelling Showpeople at emerging Policy H10, to be delivered at the Future Opportunity Areas of St George's Barracks and Woolfox. This approach is unsound and contrary to NPPF paragraph 35 as this approach is unjustified and not positively planned. Whilst an Accommodation Assessment has been undertaken as part of the evidence base this does not provide any guidance on the areas in which the gypsy and/or travelling show people have accommodation requirements.

Further evidence is required which provides a locational justification for the gypsy and traveller provision. Furthermore, the current approach fails to deliver a strategy which positively delivers the requirements for the gypsy and traveller communities nor the steps that have been undertaken by the Council to establish the locational needs in this plan period. As drafted, this policy and associated evidence base is considered to not be justified, positively planned or effective, contrary to paragraph 35 of the Framework. The DIO note that this is to be secured through the early review of the Local Plan or separate DPD for these sites. As submitted, we do not believe this is the appropriate mechanism for the masterplanning and early delivery of the site.

CHAPTER 8 'SUSTAINABLE COMMUNITIES'

The DIO are supportive of the Council's objectives to create sustainable communities and well-designed places, reflective of local character. The DIO agree that the Local Plan should protect community facilities in sustainable locations and the provision of new local community services and facilities where there is an identified need alongside new development. The DIO are supportive of open space requirements to meet the needs of occupiers. The DIO will work with Rutland Council and the local community to ensure the St George's Barracks Site is developed to a high design standard and creates an inclusive and sustainable new community in line with relevant policies and guidance.

Policy SC6 – Community Facilities

Emerging Policy SC6 – Community Facilities is supported in principle as these facilities form an intrinsic part of the day-to-day life of local communities. Having reviewed the draft Regulation 19 policy within the context of future planning applications and our last written representations, we are not supportive that part (i) remains as part of the draft policy. This relates to the requirement for full or reserved matters applications to include a robust business plan and governance arrangements to demonstrate facilities are financially sustainable in the long term.

The DIO wish to reiterate their concerns in relation to the practical implementation of this part of the policy, which is unlikely to be available for all developments at the point of submission of a planning application. Furthermore, this level of information goes beyond what would normally constitute a material planning consideration and officers will not be in a position to assess the rigor of business plans. Part (i) has not been removed from the emerging policy and therefore in its current form the policy is not considered to be sound.

Policy SC7 – Provision of New Open Space

In addition, we note that our previous comments in relation to emerging Policy SC7 – Provision of New Open Space have not been addressed and the draft requirements are too significantly more detailed than would normally be expected as part of a planning application. The suggested requirements at parts g) and h) related to materials and equipment, and arrangements for RoSPA accredited inspection, as well as funding strategies and mechanisms for maintenance and management, should be dealt with via appropriately worded planning conditions and S106 obligations. The requirement for this information to be submitted at full application or reserved matters stage is unreasonable and not justified. The DIO maintain that these are not policy related matters and should be removed from the Policy, as it is currently unsound.

OTHER LOCAL PLAN CONSIDERATIONS

The DIO note that there are a number of other important policies in the plan pertaining to environmental considerations, heritage, infrastructure, minerals and waste. Several comments and suggestions were made at the Regulation 18 stage, such as the proposed deletion of the Council's draft BNG policy due to unnecessary duplication with Policy, and repetition within the proposed heritage policies.

CLOSING

The DIO support the vision and objectives identified in the Regulation 19 document for the new Rutland Local Plan. The military use of the St George's Barracks sites (including Main Site and Officers Mess) will cease from 2025, with closure in 2026, and the DIO has worked at length with Rutland Council and its own advisors to demonstrate that this is the largest available brownfield site in Rutland.

DIO are encouraged to see the allocation of the Officers Mess site at draft Policy H1, and the inclusion of St George's Barracks as part of the Spatial Strategy. However, the DIO express strong concerns with the decision to delay the delivery

of homes on the County's largest brownfield opportunity by removing the site-specific Policy for St George's, and amalgamation with the Woolfox site under the Opportunity Area policy. They are two distinctly separate sites and should therefore be addressed under different policies.

We strongly disagree with the lack of a site-specific allocation for St George's Barracks, to allow immediate masterplanning and early delivery of mixed-use development on this significant brownfield site as it is a clear brownfield opportunity which is available and deliverable and can viably deliver up to 500 homes as a first phase of development, including delivery at an early stage of the plan period.

The Council's proposed approach as part of the Regulation 19 Plan has no justification, and results in an overly lengthy and unclear policy, which is ineffective and will only serve to delay development. The draft Policy is wholly contrary to the brownfield first principles set out in the NPPF and represents a failure to proactively bring forward land held in public ownership. The lack of any formal allocation in this Local Plan, results in an extended period of uncertainty around the future of the Site, which is expected to extend further if the Council's Local Plan timetable, including a future Plan Review or DPD, become protracted.

As such, the DIO strongly request that the Council include the land at St George's Barracks as a strategic allocation in this Local Plan, to include a first phase of development of 500 units, as part of a mixed use development. The allocation of this site will strengthen the Council's housing buffer against local housing need targets, bring forward early development on a brownfield site and ensure that the plan is sound. The site is situated in a sustainable and accessible location and will provide much needed affordable, high-quality housing and employment opportunity.

We believe that there are a number of technical matters which must be addressed now, in order to make the plan sound, particularly in the context of imminent national planning reform.

The DIO would welcome further engagement with Rutland Council and the surrounding community on the future of the site, and how this can come forward within this development plan document in a way that delivers certainty for all parties over the timing and future of this important brownfield opportunity. This should build upon the site's identification as a location for growth, and allocation in part for development over this plan period as an alternative to development on greenfield sites.

Should the Council progress to submit the Local Plan, we request that the DIO are kept informed of the future Examination timetable.

We would be grateful if Rutland Council could confirm that our representations have been received and will be considered as part of the Regulation 19 Consultation. In the meantime, if you have any outstanding queries on this matter, please contact Jon Bradburn (jon.bradburn@montagu-evans.co.uk) or Lauren Hawksworth (lauren.hawksworth@montagu-evans.co.uk) of this office in the first instance.

Yours faithfully,



Montagu Evans LLP

Enc. Proposed Land Use Plan by HLM Architects