

Rutland Local Plan

Regulation 19 Consultation Representations

On behalf of Vistry Homes

Date: 14 November 2024 | Pegasus Ref: P23-1238

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1. Introduction

1.1. These representations are submitted by Pegasus Group on behalf of Vistry Group on the Rutland Local Plan Regulation 19 Consultation, in relation to our client's interests at Luffenham Road, Ketton.

1.2. Vistry Group have engaged in each stage of the preparation of the Local Plan including the Call for Sites in June 2022, Issues and Options consultation in September 2022, and Regulation 18 Consultation January 2024. The site is included in the Council's Strategic Housing Land Availability Assessment (SHELAA) with site reference KET13.

1.3. Consultation Respondent Details:

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1.4. This representation is made in relation to our client's land interests at Land North of Luffenham Road, Ketton. The site is approximately 7 ha and is currently in use for agricultural purposes and is capable of delivering 130 dwellings (including 39 affordable homes).

1.5. The proposed housing site would deliver around 130 homes in a sustainable 'Larger Village'. The site is well located in relation to a number of local facilities in the surrounding area which would be available for use by future residents of the site. The site is 10 minutes' walk from Ketton Church of England Primary School. It is also within walking distance of the village post office and general store, sport facilities, public house, community hall and library. The village also benefits from a regular bus service, the number 12, which runs between Stamford and Uppingham.

1.6. These representations set out our client's comments on the Regulation 19 Consultation Draft of the Rutland Local Plan.



2. Spatial Portrait

2.1. It is noted that the spatial portrait states that:

“[Rutland] is one of the least affordable areas in the region with median house price to median workplace earnings ratio of 9.53 in 2023 compared with 7.59 across the East Midlands”.

2.2. For the reasons set out later in this in this representation, we consider that the spatial strategy for housing does not respond adequately to this acknowledged issue of affordability as it fails to provide sufficient housing land.



3. Vision and Objectives

3.1. It is noted that Strategic Objective 3 Meeting housing needs is:

“Meeting Rutland’s identified current and future diverse housing needs, including the affordability and adaptability of housing, through the provision of well-designed, energy efficient and low/zero carbon new homes”.

3.2. For the reasons set out later in this in this representation, we consider that the spatial strategy provides insufficient housing land and so this spatial objective will not be achieved.

4. Climate Change

Policy CC1 – Supporting a Circular Economy

4.1. Policy CC1 – Supporting a Circular Economy requires:

“All developments (with the exception of householder applications for extensions and alterations) should be accompanied by a statement setting out their approach to site waste management and how construction waste will be addressed following the waste hierarchy together with 5 Rs of waste management: Refuse, Reduce, Reuse, Repurpose, Recycle”.

4.2. The requirement in the policy is simply for the submission of a statement, but this will not achieve the stated objective of the policy. Policy CC1 does not give a clear indication of the content of such a statement and the threshold whereby permission might be refused. More fundamentally, once a statement has been prepared and submitted, and permission granted, there is no mechanism within the policy for it to be enforced. The policy will not achieve its stated aim and therefore will not be effective. The policy will not comply with National Planning Policy Framework (NPPF) paragraph 16 (d) as it is not clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. For these reasons the policy should be deleted.

Policy CC2 – Design Principles for Energy Efficient Buildings

4.3. Policy CC2 – Design Principles for Energy Efficient Buildings requires amongst other things:

“Development proposals are expected to meet the highest possible energy efficiency standards”

4.4. The Policy also states that “Planning applications should be accompanied by an Energy Statement to show how principles set out in the policy will be met.

4.5. It should be noted that the highest *possible* energy efficiency standards are also the mandatory standards through the Building Regulations. Policy CC2 does not provide a clear metric in terms of energy efficiency standards against which proposals will be assessed and so is unclear how proposals will be assessed for compliance with the policy. The Council’s [Whole Plan Viability Assessment 2023](#) assessed two options for ‘net zero carbon’ and it appears the Local Plan has been based upon option 1, but this is not clear. It is also not clear what option 1 means in terms of specific measurable standards.

4.6. It is noteworthy that the Whole Plan Viability Assessment concludes that:

“The cost of seeking construction standards that are over and above the 2025 Building Regulations Standards as per the Option 2 scenario tested are very much more, generally being in the £100,000/ha to £200,000/ha range – although this varies considerably across the typologies”. (paragraph 10.16).

4.7. The Regulation 19 Viability Note (September 2024) paragraph 5.7 states:



“The Council has confirmed that its policies in this regard are not seeking standards that are over and above Building Regulations and that, whilst it is seeking Zero Carbon development, it is not mandating Zero Carbon standards”

- 4.8. This statement puts into question the purpose and value of Policy CC2.
- 4.9. Furthermore, the requirement in Policy CC2 is simply for the submission of a statement, but this will not achieve the stated objective of the policy. Policy CC2 does not give a clear indication of the content of such a statement and the threshold whereby permission might be refused. More fundamentally, once a statement has been prepared and submitted, and permission granted, there is no mechanism within the policy for it to be enforced. The policy will not achieve its stated aim and therefore will not be effective. The policy will not comply with National Planning Policy Framework (NPPF) paragraph 16 (d) as it is not clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Nottingham City and Broxtowe Councils introduced similar policies in 2014, and evidence from planning permissions indicate that the policies have been ineffective in improving the energy efficiency of new buildings.
- 4.10. For reasons set out above, Policy CC2 should be deleted as it imposes unnecessary requirements which will be ineffective in achieving its stated aim.

5. Spatial Strategy

Scale of Development

- 5.1. It is noted that the Council is bringing forward a Local Plan under the existing national regime and utilising the Government's transitional arrangements. This means submitting a Plan which makes provision for 123 homes per year, where the Government's proposed standard method is for 264 homes per year or an increase of 115%. This is a very significant difference and in the context of a clear direction of travel in terms of housing numbers for Rutland this is concerning.
- 5.2. Given the urgent need for new homes across the country and in Rutland, it would appear the Pre-Submission Draft of the Rutland Local Plan is simply deferring decisions about housing provision where decisions could be made to increase housing provision to address the obvious current challenge. Given the lead in time to allocate sites in Local Plans, to then prepare and then determine planning applications, it would be prudent and responsible to make more provision to bridge the likely gap housing delivery and need. The current proposed Local Plan will be out of date as soon as it reaches five years old. The Council's proposal to prepare a review of the Local Plan at the same time as the hearing sessions for the currently emerging Local Plan does not represent positive planning – it is an implicit admission that the plan that is being prepared now is out of date.

Scale of Buffer

- 5.3. Policy H1 sets out draft housing allocations and includes sufficient sites to provide a contingency buffer of 10% to aid delivery of the minimum housing requirement.
- 5.4. The Local Plans Expert Group report, 2016, set out recommendations for a 20% allowance of developable reserve sites to provide extra flexibility to respond to change. A Leicestershire Authority close to Rutland, Harborough District Council, includes a 15% contingency in their Local Plan, over and above their minimum housing requirement which the Local Plan Inspector specifically commented was to provide resilience.
- 5.5. It is suggested that at least a 20% buffer is used in the case of Rutland given the relatively low housing requirement and the potential for unforeseen circumstances to mean sites are not brought forward and the significant impact this could quickly have on the Council's ability to deliver sufficient housing.

Housing Trajectory

- 5.6. The Council has not published a trajectory for each of its proposed allocations and so it is not possible to properly interrogate the Council's assumptions for its housing trajectory.
- 5.7. The development strategy relies very significantly on the Stamford North SUE, a site that does not benefit from an implementable planning permission, and the Council does not appear to have published a trajectory for this site with supporting evidence from the developer and other stakeholders.
- 5.8. As currently presented the Spatial Strategy is not currently justified as it is not supported by a sufficiently detailed housing trajectory. The Plan is therefore unsound. Should the Council

publish further evidence concerning its housing trajectory, we reserve the right to make further representations on the evidence.

Settlement Hierarchy

- 5.9. We support the settlement hierarchy that is set out in Policy SS1 Spatial Strategy for New Development based on the evidence set out in the “Background Paper Spatial Strategy and Settlement Hierarchy report” August 2023. The council’s evidence recognises Ketton as a ‘Larger Village’ and is the second most sustainable village outside of Oakham and Uppingham.
- 5.10. The village contains Ketton Church of England Primary School, post office and general store, sport facilities, public house, community hall and library. The village also benefits from a regular bus service, the number 12, which runs between Stamford and Uppingham. It is important that such villages continue to grow to support their long-term sustainability.

Policy SS1 – Spatial strategy for new development

- 5.11. Since the Regulation 18 draft Local Plan was published Policy SS1 has been amended and no longer includes the clause:

“Proposals for housing development on greenfield sites adjoining the Planned Limits of Development of Oakham and Barleythorpe, Uppingham and the Larger Villages will only be released where it is demonstrated that they are needed to maintain a sufficient supply of deliverable and developable land”.

- 5.12. The removal of this clause from the policy is a retrograde step as Policy SS1 no longer provides a policy framework to consider housing proposals where the authority cannot demonstrate a 5-year supply of deliverable housing land, and therefore the Plan loses the policy mechanism to direct development to sustainable locations. The reference to ‘exceptional circumstances’ in the original wording is not appropriate as this is the test for Green Belt and there is no Green Belt in Rutland.

Policy SS8 – Residential development in the open countryside

- 5.13. Policy SS8 sets out very restrictive circumstances when new-build open market housing will be permitted in the open countryside.
- 5.14. It is considered that Policy SS8 when read alongside Policy SS1 does not provide the necessary policy framework to consider housing proposals where the authority cannot demonstrate a 5-year supply of deliverable housing sites.
- 5.15. Policy SS8 should be deleted and Policy SS1 should revert to its previous wording.

6. Housing

Assessment of Reasonable Alternatives for Scale of Development within Spatial Strategy

- 6.1. Paragraphs 6.9 to 6.10 of the Sustainability Appraisal (SA) sets out the scale of growth that have been assessed as part of the development of the Local Plan, and these include options for 123, 160, and 210 homes per annum. It is noted that 210 homes per annum represents 4,200 homes over the plan period. Tables 6.3 and 6.4 of the SA set out options in more detail and it is noteworthy that the largest scale of development that has been tested is 3,985. This requires explanation because it calls into question the robustness of the process and the justification for the scale of development in the Local Plan.
- 6.2. Given the Government's recent consultation on standard method figures, it would appear that 264 dwellings per year 5,280 over the plan period is a reasonable option for the scale of growth and therefore should be assessed to understand the sustainability effects of this scale of development. Option or options should be tested which include a combination of sites or location within the settlement hierarchy which amount to 5,280 homes. Without doing so there is a risk that not all reasonable alternatives will have been properly assessed which raises questions about the legal compliance with the SEA / Directive and also means that the spatial strategy is not properly justified and fails this test of soundness.

Site Assessment

- 6.3. Our client's site is referenced as KET13 in the Strategic Housing Land Availability Assessment. The Housing and Employment Site Assessment Report July 2024 sets out the Council's approach to screening sites through a staged process and paragraph 2.14 notes that:

"The conclusion for sites at Stage 2a) for housing development have been reached on the following basis:

In and adjacent to the 21 Larger Villages, any sites with a red assessment for one or more criteria have been excluded from further assessment. This is because the amount of new development required in these locations is limited and therefore it is not considered appropriate to consider a site with a red (significant) impact on any criteria".

- 6.4. The site has been assessed within the document: "Call for Sites Register – Sites screened out at stage 2a", and KET13 has been discounted because of its impact upon biodiversity, scoring a 'red' for its impact upon a local designation.
- 6.5. The Council's decision to screen out site KE13 at stage 2a does not correspond with the detailed commentary for site KET13 which notes that:

"AMBER = Significant impacts on Local Wildlife Sites, protected species and BAP priority habitats, but which can be accommodated through mitigation and avoidance of harm and/or further surveys required". [Rutland County Council – Call For Sites Register – Sites screened out at stage 2a](#)

- 6.6. It would appear that site KE13 has been unfairly screened out of further assessment which means the selection of housing sites is not justified and is unsound. Site KE13 should be reassessed and should be allocated for development within the Rutland Local Plan as it is in

a sustainable location and, as the Council acknowledges, “can be accommodated through mitigation and avoidance of harm”.

- 6.7. Site KET13 is located within Ketton, the second most sustainable village outside of Oakham and Uppingham and is well located in relation to a number of local facilities in the surrounding area which would be available for use by future residents of the site. The site is 10 minutes’ walk from Ketton Church of England Primary School. It is also within walking distance of the village post office and general store, sport facilities, public house, community hall and library. The village also benefits from a regular bus service, the number 12, which runs between Stamford and Uppingham providing access to jobs and higher order services by sustainable means.
- 6.8. It is also a site which is in single ownership and being promoted by a housebuilder so is suitable, available and achievable and deliverable within the first five years of the Plan.

Policy H4 – Meeting all housing needs

- 6.9. Whilst the need to provide a mix of housing types is understood the proposed Policy H4 needs to allow the decision maker to have regard to range of factors alongside the up-to-date evidence of local housing needs. This should include housing market evidence, economic conditions, viability and site-specific circumstances, all of which may affect the most appropriate mix for a site.
- 6.10. A more flexible approach would support the deliverability of development and uses the evidence in relation to housing mix to guide development over the course of the plan period. There are also site-specific circumstances where a mix of homes based on the County wide or local need would not be appropriate from a design point of view, for example in a street where one size of property dominates.
- 6.11. The requirement for all major sites of over 10 dwellings to make provision for specialist housing across all tenures including extra care and other forms of supported housing is unrealistic and impractical. This type of provision will only be viable to run by providers at a certain scale, this part of the policy needs to be revisited.

Policy H5 – Accessibility standards

- 6.12. The accessibility standard of buildings is a Building Regulation matter and should not be addressed through Local Plan planning policies. The government is reviewing the Building Regulations and this is the appropriate route for introducing new standards.

7. Environment

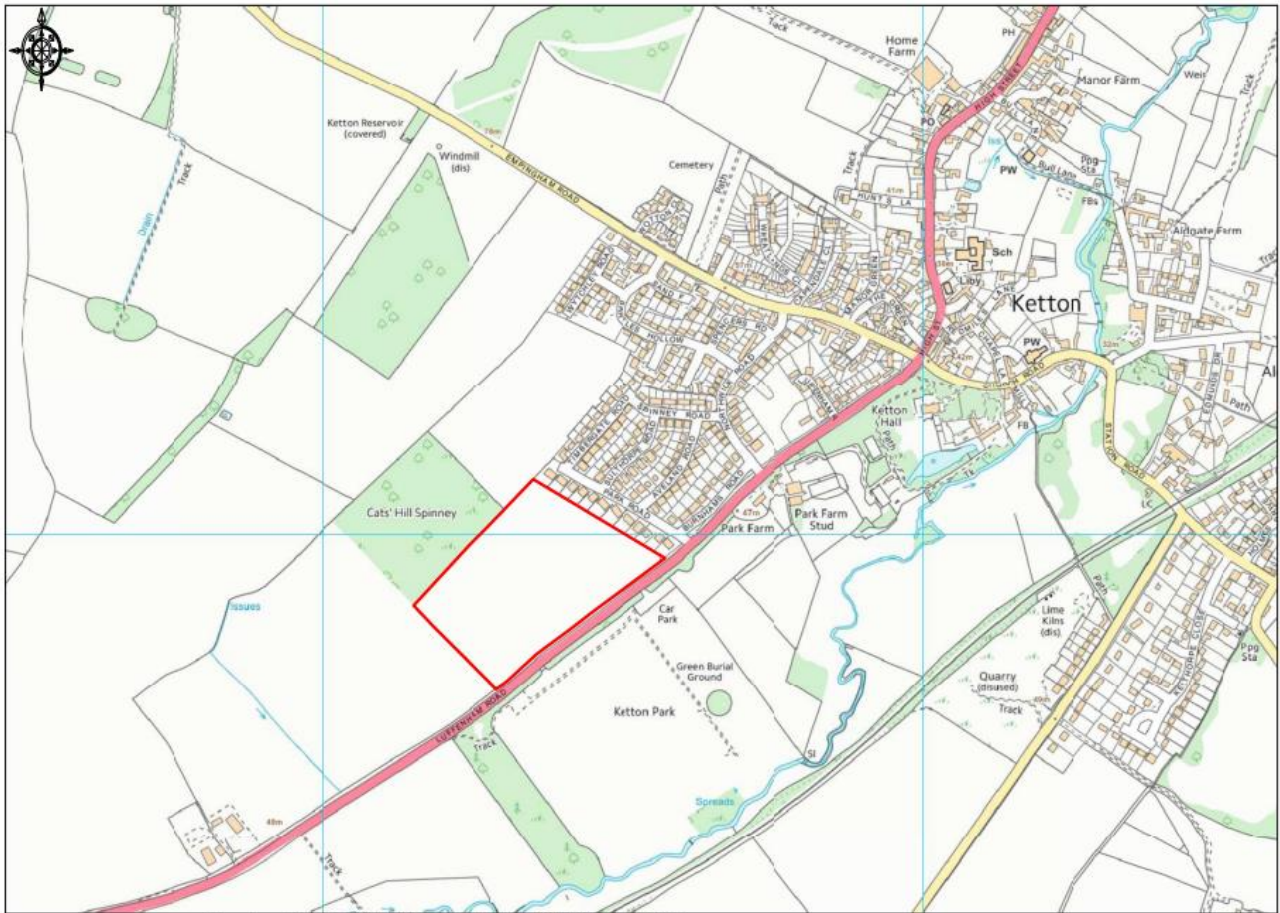
Policy EN3 – Biodiversity Net Gain

- 7.1. The Environment Act 2021 requires all development schemes in England, from a date to be specified in January 2024, to delivery mandatory 10% biodiversity net gain to be maintained for a period of at least 30 years. It is therefore unnecessary for the local plan to set out a policy on this matter, requirements relating to matters such as Biodiversity Gain Plans and use of the DEFRA metric will all be covered by the Planning Practice Guidance.
- 7.2. This policy is not necessary, a single ecology policy should be prepared and this should cross reference to the national mandatory requirement for 10% net gain.

Policy EN6 – Protecting agricultural land

- 7.3. Policy EN6 is not necessary, it repeats national policy set out in the National Planning Policy Framework.
- 7.4. The second bullet point includes the requirement to clearly demonstrate that there are no other more suitable and sustainably located sites available, this is impractical to address on an individual site application in a scenario where, for example, additional housing land is needed to meet the five-year supply requirements.
- 7.5. This policy should be deleted.

Appendix 1 Site Location Plan Land at Luffenham Road, Ketton, Rutland



Promap
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Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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