

Policy E6 - Rutland Water

Rutland Water is the largest reservoir in England by surface area (1500 acres of open water) and is critical to enabling Anglian Water to carry out its duties as a water undertaker, as well as contributing significantly to delivery of its strategic objective of being carbon neutral by 2030. The site is also a designated Site of Special Scientific Interest, a RAMSAR site and Special Protection Area.

Rutland Water forms an essential part of our water resource infrastructure to supply to our customers both now and in the future. As outlined in our Water Resource Management Plan 2019 our reservoirs including Rutland Water are our principal source of water in the water of the area we serve. Water from the reservoir supplies Rutland-Wing Treatment Works one of our key operational sites, supplying water to more than x,000 [to be confirmed] customers across Rutland, Northamptonshire, and Peterborough.

Rutland Water is located within 4,200 acres of Rutland countryside and offers a wide range of activities for visitors including walking, cycling, fishing and watersports. There is also a nature reserve managed by the Leicestershire and Rutland Wildlife Trust and home to the Rutland Osprey Project.

Anglian Water continues to invest significantly in leisure attractions and activities which increase enjoyment and success in outdoor sport and recreation, making the park accessible to a diverse and growing number of visitors, helping to promote good health and wellbeing among the visiting communities.

Anglian Water as a sewerage undertaker has a statutory obligation under the Water Industry Act 1991 provide wastewater services to customers in its area of responsibility. Oakham WRC located off the A606 (Stamford Road) is an essential sewage treatment facility which serves the Oakham sewerage catchment (a current population equivalent of circa 12,000 which is not limited to Oakham urban area).

The Rutland Site Allocations and Policies Development Plan Document (adopted 2014) Policy SP24 which designates land as Rutland Water policy area together with a number of recreation areas and sets out the criteria for development proposals within the Rutland Water Policy area. The Pre-submission Draft Local Plan continues this strategy but in addition seeks to identify the Rutland Water Policy area as a 'valued landscape' as defined in the NPPF. It also seeks to extend the designation to include additional land within the Rutland Water Policy Area and to make changes to the designated recreation areas based upon the findings of the 'Landscape Review of the Rutland Water area (August 2019).'

Rutland Water and Oakham Water Recycling Centre which are within Anglian Water's ownership are both included within the designated Rutland Water Area.

We have significant concerns in relation to the soundness of Policy E6 in respect to consistency with national planning policy, evidence provided as justification and effectiveness of the policy as proposed. This includes both the policy wording and the extent of the designated Rutland Water area and the Whitwell Recreation area.

Policy Wording: the wording of the second paragraph of the policy as drafted refers to the Council being supportive of water supply infrastructure. However, this is subject to proposals being consistent with the criteria that follows.

Significantly the policy as written does not distinguish between necessary operational infrastructure and sport, recreation and leisure uses within the Rutland Water Policy area and treats all of these uses as being the same for purposes of Policy E6.

The third paragraph specifically states that new development will be limited to small scale recreation, sport and leisure or tourist uses or essential for Anglian Water operational requirements within the five defined Recreation Areas only. Therefore Policy E6 would prevent necessary operational development outside the Recreation Areas as currently drafted.

This could result in an unintended barrier to water supply investment and operation which is contrary to Paragraph 20 of the National Planning Policy Framework (NPPF) which states that “Local Plans should include strategic policies to deliver, inter alia, the provision of infrastructure for water supply.” Such investment will necessary to ensure sustainable economic and housing growth within the Anglian Water company area.

Anglian Water is also concerned that the designation of the whole of Rutland Water Policy Area as a valued landscape could significantly impact its ability to support economic and housing growth and delivery of drinking water to our customers by making the planning application process more onerous in terms of both the level of assessment required and the acceptability of development. Wording should be included within the Policy to ensure that operational development and investment around Rutland Water Reservoir, its treatment works and its associated networks/infrastructure is supported in principle notwithstanding the valued landscape designation.

Reference is made to small scale recreational tourism and leisure uses within the designated recreation areas. However, this is not consistent with the text in point a) which suggests appropriate in scale rather than it should be limited to small scale only.

The policy as drafted appears to tighten up the requirements for proposals outside of the defined recreation areas. It is not clear that there is evidence to justify this revised approach. The Council’s Landscape Review which has been used to inform Policy E6 is focused on the extent of Rutland Water Area and recreation areas only and does specifically not consider the uses which are appropriate within the Rutland Water policy area.

The adopted Core Strategy limits caravanning and camping uses within Barnswell and Whitwell Recreation Areas. The Local Plan seeks to continue this strategy although it unclear on what basis this is required or the evidence that has been used to justify this approach particularly as the Council’s appointed landscape consultant states that ‘it is unclear on what evidence this is based or why these activities are considered to be acceptable in some but not all of the RAs.’

As such we consider the wording relating to limiting caravanning and camping uses to specific recreation areas should be removed from the wording of Policy E6.

It is therefore proposed that Policy E6 be amended as follows:

'Development in the defined Rutland Water Area should be carefully designed and located to ensure that it respects the nature conservation features of this internationally important site and does not have an adverse impact on the landscape and wildlife interests and the general tranquil and undisturbed environment of Rutland Water.

The Council will support proposals which involve the **role**, function and operation of Rutland Water Reservoir, its treatment works, associated networks and supporting infrastructure **(including renewable energy) in principle** within the defined Rutland Water Area subject to the ~~criteria below~~ **consideration against other policies of this Local Plan.**

New development **for recreation, outdoor, sport and tourist uses** will be ~~limited~~ **permitted provided it is of an appropriate scale** ~~small scale recreation, sport and tourist uses or essential for Anglian Water operational requirements~~ within the five defined Recreation Areas only.

In all cases the applicant must demonstrate that the development within the designated Recreation Areas would:

- a) be in keeping with its surroundings in terms of its location, scale, form and design and would not detract from the appearance of the shoreline and setting of Rutland Water;
- b) be compatible with other uses of land and leisure activities;
- c) not be detrimental to the special nature conservation interests of Rutland Water (including the conservation objectives for the RAMSAR site, Special Protection Area and Site of Special Scientific Interest and the requirements of the Habitats Regulations);
- d) not be detrimental to local amenity including the level of traffic movements and, parking in the Rutland Water Area not having a severe adverse impact on road safety or amenity; and
- e) not be detrimental to highway considerations.

New construction should be modest in scale and existing buildings utilised wherever possible and appropriate, particularly those of architectural or historic interest or of environmental value.

Outside the five defined recreation areas, new development for **recreation, outdoor, sport and leisure uses** will be ~~only~~ **acceptable where it is demonstrated that it is essential for nature conservation or fishing or essential to the operational requirements of existing facilities**, subject to it being appropriate in terms of location, scale, design and impact on the landscape.

~~Caravan and camping sites will only be acceptable within the defined recreation areas of Sykes Lane, Normanton and Gibbet Lane where appropriate to the area in terms of its scale, location and impact on the surrounding area.~~

Minerals development, which is likely to have an unacceptable adverse impact on the environmental and recreational value of Rutland Water and its setting and the supply of water from the reservoir, will not be permitted unless the reasons for development outweigh the likely adverse impact, taking into account the requirements of relevant legislation and guidance.

It is also proposed that the supporting text relating to Policies E6 and E8 be amended as follows:

6.25 It also plays a major role in providing recreational **and outdoor** activities, ~~of both a passive and active nature, such as~~ **current examples of which include** sailing and water sports, walking, cycling, bird watching, fishing and picnicking and it is recognised that ~~some limited~~ development **of this site may** ~~will~~ be needed to support this role.

6.29 Policy E6 sets out the overall approach to development around Rutland Water. This permits ~~small scale~~ **recreation, outdoor, sport and tourism** development **of an appropriate scale** within the five defined recreation areas ~~and the wider Rutland Water area for certain specified uses related to the enjoyment of Rutland Water or for operational uses.~~

6.30 A wider "Rutland Water Area" is also defined comprising the reservoir and its immediate surroundings where ~~small scale~~ new recreation, sport and tourist facilities developments are ~~limited to those essential for nature conservation or fishing or essential for operational requirements of existing facilities and~~ subject to requirements in terms of location, scale, design and landscape impact.

~~6.31 Camping and caravanning activities are seen to be potentially damaging to the character and setting of Rutland Water and are not permitted in the wider Rutland Water Area nor in the defined Barnsdale or Whitwell Recreation Areas.~~

6.32 The whole of the Rutland Water Area including the defined Recreation Areas is also within the countryside as defined in the Local Plan and will be subject to policies relating to development in the countryside.

~~6.36 Policy E6 (Rutland Water) makes it clear that caravan and camping sites will not be acceptable within the defined Rutland Water Area except in the three defined recreation areas of Sykes Lane, Normanton and Gibbet Lane subject to such development being appropriate to the area in terms of its scale, location and impact on the surrounding area.~~ Policy E7 (Eyebrook Reservoir Area) makes it clear that caravan and camping sites will not be acceptable within the defined Eyebrook Reservoir Area.

Boundary of the Rutland Water Area: it is proposed to designate land in Oakham Recycling Centre (WRC) located off the A606 (Stamford Road) as forming part of the Rutland Water policy area as part of the proposed extension to the west of the existing boundary.

In response to Anglian Water's previous comments the Council's appointed consultants have stated that policy wording allows for operational development relating to operational land to come forward. However, the wording of the first paragraph of Policy E6 refers to water supply infrastructure only.

Essential water and water recycling infrastructure are considered to be acceptable in principle in the designated countryside as outlined in Policy SD5 of the Local Plan. However, by designating the Oakham WRC site as forming part of Rutland Water area and a valued landscape the principle of development being acceptable in principle no longer applies.

The policy also does not provide criteria setting how any proposals on the Oakham WRC in relation to the landscape would be considered by Rutland County Council. Therefore, the policy is not effective in that it will not allow for development on an operational water recycling site to come forward.

In addition, the Council's appointed landscape consultant appears to suggest that the site has been included within the Rutland Water Policy area due to the significant vegetation located to the north and west of Oakham WRC.

To be considered valued it would require the Oakham site to show some demonstrable physical attribute rather than just popularity. As such it appears that the Oakham site in itself isn't a valued landscape as defined in case law (Stroud Judgement 2014).

We consider that the Oakham WRC site is not a 'valued landscape' as defined in the NPPF and related case law. It is our view that the inclusion of Oakham WRC, has not been justified in the Council's evidence and it should be removed from the proposed Rutland Water policy area.

Whitwell Recreation Area: in our previous comments we had asked for the designated recreation area at Whitwell to be extended to include an established camping site which has been in use for a considerable number of years. However the boundary of Whitwell Recreation Area as proposed is unchanged.

The Council's appointed landscape consultant states that a camping site 'would appear to be an appropriate use in this location'. Reference is made to considering visual impact of a site in this location. However no further evidence is presented to suggest that such a use would have an adverse visual impact on existing views including that from Barnsdale Recreation Area.

As such there is no justification to exclude the area of land identified by Anglian Water from the designated recreation area. We consider that the boundary of the Whitwell Recreation area should be amended to include the land shown on the attached plan. There is also an established need for low coast holiday accommodation in the Rutland area which is not recognised in the policy as worded.