

Rutland County Council Officer response to Regulation 16 Langham Neighbourhood Plan Review



Reference	Comment -NP
	General comments
N/A	<ul style="list-style-type: none"> • This is the first time that council officers have seen and commented on the supporting text to the policies in the Langham Neighbourhood plan as only the revised/new policies were provided in the Reg 14 consultation. • It is important that policies are written positively, in conformity with the adopted Local Plan and do not prevent development but enable it to happen in a way which appropriate to the village. • More evidence is needed to justify elements of the policies.
Page 6 – Map of Langham Parish showing PLD, Conservation area and Article 4 direction	It would be clearer if this map included the sites which have gained planning permission and allocations on this map.
Page 7	The Neighbourhood Plan should not reference the policies in the withdrawn Local Plan policies.
	Sustainable Growth
Policy SG1: Housing Allocation	<p><i>“More than this overall number would fundamentally alter the character of the 650-home village”</i></p> <p>Remove. Evidence would need to be provided that would demonstrate that more development would “fundamentally” alter the character of Langham.</p> <p>The indicative figure is a not a maximum figure and so this would not be enforceable nor in line with national policy.</p>
	2021/1423/MAO – A planning application for 50 homes on Cold Overton Road has been approved at planning committee but it is subject to a Section 106 agreement which is still being negotiated. It is anticipated that the S106 will be completed, and the decision noticed issued within the next 4 weeks.

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	<p>This will have an impact on this policy as it will have a significant impact on the housing supply in Langham and the number of homes planned will meet the minimum indicative need of Langham. In light of this, the policy wording may need to be changed to reflect this pending planning permission RCC recommend that the policy is reworded to say:</p> <p>“In order to provide moderate and controlled growth for Langham in line with government and local housing targets Langham, as a Local Service Centre, will provide a minimum of 51 dwellings over the life of this Plan. There is currently planning consent for 68 homes on two sites which exceeds this requirement. Any further housing development in Langham should be limited to small windfall sites. Historical data suggests that windfall sites will deliver about 15 dwellings over the life of the plan. “</p> <p>Table in Fig 4.2 will need updating to include the 2nd site with planning permission and will impact on policy SG3 too.</p>
Page 24, Paragraphs 4 & 5	Need to include evidence to support the statement about above average elderly residents, housing size, types and mix stated in paragraphs 4 & 5.
Page 25, Para 8	<p>See comments relating to section 7 Rural setting.</p> <p>“Presumption in favour of sustainable development” is national policy. Development cannot be ‘banned’.</p>
Policy SG2a: Meeting Housing Needs	<p>Need to consider viability of 30% affordable housing figure on 3 or more houses.</p> <p>Need to provide the evidence that has been used to support the housing and tenure mix and the threshold of sites of 3 or more dwellings.</p> <p>The policy needs to be clearer on the housing types and sizes required (supported by the evidence). It is currently vague and open to interpretation.</p>
Page 26, Paragraph 14	The site is considered to be located in a relatively sustainable location.
Page 26, Paragraph 17	The statement is incorrect. The Core Strategy does not stipulate that expansion of these communities will not allow for expansion of the site or additional sites. It says that “The future need for sites for Gypsies and travellers and show people beyond 2012 will be assessed in a review of the Leicestershire and Rutland Gypsy and Traveller Needs assessment to be carried out in 2012”.

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	<p>South Kesteven & Rutland Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2016 contains the up-to-date evidence for the future need. Paragraph 9.13 of the study notes that there are families within the study area who would like to increase the number of pitches and plots and/or number of caravans allowed per pitch or plot on existing sites/yards and considers that the expansion of sites with adequate space would contribute towards meeting existing need.</p> <p>The report concludes that there is an overall shortfall of 13 residential pitches (which does not take account of 4 additional pitches allowed in 2016 accommodated within an existing site to meet their need).</p> <p>Future need in Rutland arises from existing families that are already resident in the County and so the Councils approach will be to respond to those needs where they arise and the extension of existing sites together with any suitable policy complaint applications before new sites are allocated.</p>
<p>Page 26, Paragraph 18.</p>	<p>Not necessary to state that this group should be <i>“treated in the same way.... Held to same planning rules and standards...”</i>, Remove.</p>
<p>Policy SG2b: Gypsy & Traveller Sites</p>	<p>This policy seems to contradict itself. It should be positively worded to be in conformity with CS12 however it doesn't seem to add anything to policy CS12 and so we would advise that it is removed from the Neighbourhood Plan.</p> <p>Not necessary to state “Gypsies and Travellers form part of the Langham community... same planning rules as everyone else” - Remove.</p>
<p>Page 27, Para 12</p>	<p>Change reference to 'housing stock' to 5-year housing land supply.</p> <p>The reference to the tilted balance needs to be corrected. The presumption is in favour of sustainable development not in favour of “the developer”.</p> <p>“Presumption in favour of sustainable development” is national policy.</p>
<p>Policy SG3: Site Allocation</p>	<p><i>“Any development application must be accompanied by a thorough Design and Access Statement (DAS), will be assessed on its merits and will be accepted only if it meets the density, design, demographic and energy requirements of this Plan”</i></p> <p>This statement is not necessary. It is not in line with national requirements as some developments don't require a DAS.</p>

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	As mentioned above for policy SG1, the S106 is being negotiated for the planning application for 50 homes on Cold Overton Road - 2021/1423/MAO. It is anticipated that the S106 will be completed, and the decision noticed issued within the next 4 weeks. Once the S106 agreement is agreed and signed the minimum indicative figure of 51 homes for Langham will be exceeded as there will be planning consent for 68 homes. It will not be necessary for LNP to allocate sites for residential development to meet the indicative figure
	Need to provide evidence that these sites are still deliverable as some of these sites have not come forward since 2017. Appendix 6 of SDL4a shows landowner confirmation for sites LNP06 and LNP14 however this evidence is not provided for sites LNP01 and 03 to show that they are still deliverable in document SDL4a.
	Policy cannot specify that the sites should be developed in priority order. This is restrictive and the way the policy is worded means that if a small windfall came forward first, it would be in conflict with this policy.
	<p><i>"2. previously developed sites, not of high environmental value, on the edge of the PLD (west, north and east only) that meet the 'Brownfield Site' criteria of RCC"</i>- Are there any brownfield sites on the edge of Langham? This statement excludes infill brownfield sites within the village.</p> <p>'Brownfield criteria' is national policy not RCC. Should reference the definition of Previously Development Land in the NPPF.</p>
	<p><i>"4. this plan further supports LNP17 for additional small business units."</i></p> <p>Employment use policy should be separated out from the residential development policy. Set out the justification for why this site is suitable and deliverable.</p>
	<p>The statement <i>"Planned development for the 18 additional homes will be limited to these sites"</i> excludes infill development sites and so should be amended. (Note the 18 residual dwellings might not be residual – in which case the NPG may want to reconsider the inclusion of LNP14 with is a large open site outside the PLD. As currently worded this policy gives the green light to this site coming forward for a large housing development in addition to the 68 already permitted)</p> <p>Please note that the indicative figure provided by RCC is a minimum number of dwellings in Langham .</p>
<p>Page 30, paragraph 3.</p>	This is incorrect and should be amended. The SFRA update paper was published in April 2020 which provides up to date evidence. All maps can be accessed on the Environment Agency website - https://flood-map-for-planning.service.gov.uk/
<p>Page 31, paragraph 7.</p>	Need to include the evidence to support this.

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Page 31, paragraph 8	Paragraph 8 statement of fact - unnecessary paragraph and should be deleted.
Policy SG4: Reducing flood risk Flooding	Not sure how criteria b iii would be implemented.
	Building Design
Page 33, paragraph 3	State that the Rutland Design guidelines are now an adopted SPD.
Page 36 Paragraph 21	This paragraph mentions a specific house design in the village negatively. It is better to focus on good design examples. This reference should be removed.
Page 36, Paragraphs 24 & 25	Include the evidence to demonstrate why 3 storey homes are unacceptable and the inclusion of single/1.5 storey homes and flexible living designs.
Page 37, paragraph 27	Amend first sentence to " <i>should be designed towards achieving Zero carbon homes</i> " Could include the energy hierarchy here to state the energy options that could be pursued.
Page 37, Paragraph 28	Amend " <i>Solar panels on houses, especially new builds... are considered essential..</i> " to " <i>All development will be expected to demonstrate how carbon dioxide emissions will be minimised from design and construction phase through to the ongoing use of the building in accordance with the following energy hierarchy-</i> <ul style="list-style-type: none"> a) <i>using less energy through energy efficient design and construction</i> b) <i>Utilising energy efficient supplies</i> c) <i>Maximising use of renewable and low carbon energy generation systems.</i> " <p>This would be better as part of the policy text rather than the descriptive text.</p>
Objective BD1: Buildings & Materials Pg 17	The Objective states that " <i>all new builds or changes... adhere to the constraints of the conservation area and Article 4 direction...</i> " National policy will be applied to development proposals that will affect designated heritage assets including conservation areas.

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	Policy wording could be amended to – <i>“all development will be expected to protect and where possible enhance historic assets and their settings and maintain local distinctiveness...”</i>
Policy BD1: Buildings & Materials	The RCC design guidelines are guidelines for development. a) Page 51 of the Rutland Design guide could be referenced here as it provides advise on building materials.
	“b) <i>New buildings, renovations and change of use alterations must enhance the character</i> ” Suggest including “retain and”... “enhance”
	c) <i>“2.5 storeys would only be acceptable on the edge of a development of 10 houses or more”</i> Need to justify this why 2.5 storeys would be acceptable in developments of 10 houses or more. Define ‘modest height’. Is this needed in the policy?
	b) add- <i>“...subject to residential amenity and traffic and environmental impact”</i> . Class Q conversions may still come forward outside of the PLD and would not be subject to this policy.
	e) <i>“Energy efficient and environmentally friendly materials and design must be used,”</i> Add in <i>“where possible”</i>
	Does this policy add anything to the NPPF and adopted Local Plan policies (CS20 and SP20)?
Page 38, Paragraph 10	<i>“ major contributor to the rural character of the village is the housing density of no more than 30 houses per hectare”</i> – Provide evidence to support that the whole village is no more than 30 dph. Agree that density should reflect surrounding character.
Page 38, Paragraph 12	<i>“... the houses are too large for the small plots of land...”</i> Need to provide evidence and justification for this.
Page 38, Paragraph 13.	Remove - <i>“If the proposal leads to more than 30 houses per hectare then the application will be refused”</i> Planning policy cannot restrict the density. Include that density should reflect the local character.
Page 38, Paragraph 14.	The paragraph states that a development that has already been developed isn’t supported. This isn’t relevant to the neighbourhood plan.

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Policy BD2: Housing Density & Layout	Reword the first sentence to “ <i>The density and layout should take into account the conservation area and article 4 direction as shown in Figure 0.3</i> ”. This is because there are not separate Conservation areas 2, 3 and 4 on this map.
	“ <i>Where a development of more than three houses is built the Planning Application must reflect the following:</i> ” Positively phrase the policy e.g.. “ <i>Planning proposals will be supported where development...</i> ” Need to justify “ <i>a development of more than three houses</i> ” with evidence.
	1B) – how would this be determined in a development of three houses?
	1C) – “ <i>proposed development sites will not exceed 30 houses per hectare</i> ” Policy cannot restrict the density. Include that density should reflect the local character.
	2a) How would this be determined? What is suitable and appropriate is subjective.
Page 41, Paragraph 3.	“ <i>Langham already floods on a regular basis</i> ”- Evidence should be provided to support this.
Page 41, Paragraphs 6-9	Paragraphs 6-9 would be better to be included in the policy text itself.
Policy BD3a : Water Quality & Management	Amend first sentence of policy to “ <i>Development proposals will be supported where they demonstrate the following:</i> ” Points a) – c) are now covered by build regs part G.
Policy BD3b: Promoting Fibre to the premises	How will it be implemented as part of a planning application?
Policy BD3c: Energy Efficient Construct	Add in “ <i>will be supported</i> ” to first sentence of the policy to ensure that the policy is clear and positively worded. Eg. “ <i>New developments that aim to optimise energy efficiency will be supported. This includes:</i> ”

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	<p>Points 1, 2, 3 are covered by Part L of the building regulations and do not need to be included.</p> <p>Point 6. – this has been mentioned elsewhere in the NP. Biodiversity is not relevant to this policy on energy efficient construction.</p>
Page 44, Paragraph 3.	This paragraph is not required as the neighbourhood plan discusses chimneys as an architectural feature. Wood burners are also not 'good' for the environment either as they contribute to poor air quality.
Policy BD4: Architectural features	<p>Append the evidence to demonstrate chimneys are a local feature.</p> <p>The policy could reference the Rutland Design Guideline SPD for guidance on how to retain and enhance local character through these features.</p> <p>Add an introductory sentence to the policy eg. <i>“Planning proposals will be supported where they take account of the following:”</i></p> <p>1b) – add <i>“ where possible”</i></p>
	3. – reference local character of the village in case nearby existing building are not traditional style.
	Cultural Heritage
Page 47, Paragraph 1	This statement is not true. There are parts of the village that are not covered by the conservation area. This should sentence should be amended.
Policy CH1: Conservation Area	Reference to the Langham Village History Group website should be removed from policy as the content of the website can be changed without public consultation. This could be included in the supporting text if it is considered necessary.
Page 48, Paragraph 5	Provide evidence to support the statement that this is a “community” view.
Page 48, Paragraph 6	Provide detail and evidence of the risk to these areas and what they are at risk from.
Policy CH2: Sites of Historical Importance	This policy would be difficult to implement. This falls outside the scope for determining planning applications. It could be included in the neighbourhood plan as a community aspiration.

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Policy CH3: Sites of Archaeological Importance	This is covered by national policy and so doesn't need to be a NP policy. The HER is the Leicestershire and Rutland HER hosted by Leicestershire County Council.
	Rural Setting
Page 54, Paragraph 10	This paragraph needs to be written in accordance with the NPPF and the countryside policies of the adopted Local Plan – CS4, SP6, SP7.
Page 55 Paragraph 13	Town planning cannot be used to protect personal views from individual homes and gardens, this paragraph should be deleted.
Policy RS1: Landscape Character	<i>“The views, landscape character and rights of way.. preserved and protected against any and all development.”</i> – this could be positively worded, for example <i>“Development will be expected to conserve and where possible enhance the views, landscape character ..”</i>
	<i>“any development that will fundamentally alter or block the countryside views is not acceptable”</i> Any development will alter the view and so this would prevent any development. Suggest this is reworded.
	<i>“ 1. safeguarding and protecting the landscape ... ensuring any necessary development is restricted to the outer edge of the PLD”</i> This policy needs to be in accordance with Core Strategy policy CS4 - location of development, CS16, SAP Policy SP6, SP7, SP13 with regards to the development in the countryside.
	<i>“3. safeguarding protected views, specifically the various panoramas ...”</i> Protected views need to be justified and supported by evidence. The policy doesn't make it clear how the policy on protecting views can be implemented. Only those views specifically identified in the NP and supported by evidence can be protected the policy cannot apply a blanket protect on unspecified views.
	<i>“4. ensuring that any fencing, new or replacement, ...”</i> - Falls outside the scope of planning policy and cannot be used to determine a planning application.
Page 57, Paragraph 2 – 4.	These paragraphs need to be written in accordance with the NPPF and the countryside policies of the adopted Local Plan – CS4, SP6, SP7. They are currently contrary to national and local policy. A blanket ban cannot be justified. Development is limited to that which has an essential need in the countryside.

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Page 57, Objective	The objective should reference “ <i>except development in the countryside which has an essential need to be located there, will support the local economy or meets affordable housing needs.</i> ”
Page 57 paragraph 4 and Page 58 paragraph 6	Delete paragraph as contrary to national policy.
Page 58, Paragraph 5 & 8	RCC have the responsibility for reviewing the Planned Limits of Development as part of Local Plan preparation.
Policy RS2 – Development in the Countryside	This policy is contrary to NPPF and the countryside policies of the adopted Local Plan – CS4, SP6, SP7. For example, as currently worded this policy would prevent agricultural development, reuse of existing buildings and affordable housing to meet local needs.
	<p>“2. <i>non-residential development will require full community consultation and support before being considered and will be acceptable only if....</i>”</p> <p>This policy needs to be written in conformity with policy SP7. How can community support be determined and balanced with the economic benefits, climate change impacts etc.</p>
	3. -Biodiversity net gain is a national requirement and should not be included in NP policies
Table 7.1	Are the requirements of this table reasonable? Is there any evidence to support these criteria? What status does this table have? It is referenced in RS3 and therefore would appear to have policy status, however it is confused in its wording and layout. It does not have any explanatory text before or after to explain where it has come from or how it should be used in determining applications.
Page 59, paragraph 8	States “ <i>Any that are larger than 15MW would never be acceptable in a parish the size of Langham...</i> ” Evidence needs to be provided to support this statement.
Page 59, paragraph 9	Add in link to document.
Page 60, paragraph 11	Provide evidence to support why large Anaerobic Digestors wouldn’t be acceptable in Langham. It cannot be stated that Large Anaerobic Digestors are not acceptable without this evidence.

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Policy RS3: Energy Generation in the Countryside	It cannot be stated that winds turbines, larger solar farms and commercial Anaerobic Digestors are not suitable or acceptable without robust evidence. The statement in relation to wind energy does not accord with evidence referenced in paragraph 10.
Page 61, Objective	Neighbourhood Plan policy cannot “ <i>prohibit any and all development</i> ” in an area. This is contrary to national and local policy.
Page 61, Paragraph 5	Specify that this was the Langham Neighbourhood Plan Call for sites consultation. Could this be checked? This may have been asked in another consultation rather than the call for sites and if so include the correct reference to which consultation.
Page 61, Paragraph 8	PDR and presumption in favour of sustainability development is a national policy and this statement is therefore contrary to national policy. Unsure how Permitted Development Rights would be used to invalidate the policy as stated.
Page 61, Paragraph 9	Should be stated that these properties continue to enjoy permitted development rights.
Page 61, Paragraph 11	Seems contradictory to say that an area is residential but also a green separation zone?
Policy RS4a: Green Separation Zone	The policy needs to be in accordance with the NPPF, even green belt policies allow for development essential to be located in the countryside. It is too restrictive and contrary to national and local policy to state there can be no development of any kind. Would also be better to state that development appropriate to a countryside location could occur here such as agricultural and equestrian uses. Policy mentions it is “ <i>in line with the Landscape Character Assessment</i> ” however this document does not state a need for this policy,
Page 63, Paragraph 11	See previous comments regarding constraint of development outside the PLD. Make it clear referring to a consultation. Provide evidence of community acceptance.
Page 63, Paragraph 12 & 13	Evidence is required to support the buffer zone and suggested future use by the community. Is there evidence that this buffer zone required and wanted by the residents of Ranksborough Park?

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Page 63, Paragraph 14	Paragraph is confusing and adds nothing to the plan - should be deleted
Policy RS4b: Wildlife Buffer Zone	<p>Evidence required to support the need for at least a 20m wide wildlife buffer. Inappropriate to refer to no-go areas.</p> <p>This policy would only become effective as part of a development proposal. Is this the intention? Not sure how this policy can be implemented?</p> <p>Presumption in favour of sustainable development is national planning policy. This proposal is contrary to both local and national planning policy because a policy cannot be used to prevent development taking place.</p> <p>Consider Local Green space for some of these designations however the proposed wildlife buffer is unlikely to meet the requirement to designate it as an Local Green Space.</p>
Policy RS5: Biodiversity	<p>Need to provide evidence and justification to identify why sites listed should be protected and for “<i>within 25m of the brook</i>”.</p> <p>How would this policy be implemented?</p> <p>The final paragraph of policy has been superseded by national requirements for biodiversity net gain.</p>
	Village Character
Page 68, Paragraph 3 under Important Green Spaces	<p>This paragraph details ‘amenity green spaces’ however the policy doesn’t reference them. Amenity space has no policy protection. If the intention is to designate and give policy protection, then this will need to be supported with evidence and justification.</p> <p>“<i>So there is no threat to Langham’s status as a ‘village’ from the number of houses</i>” – This is unnecessary statement. Langham is a relatively sustainable settlement in Rutland.</p>
Policy VC1 Important Open Green Spaces	<p>1. “<i>no further development will be permitted on protected Open Green Spaces & Frontages</i>”</p> <p>We recommend the removal of 1) as it conflicts policy SP21. SP21 allows for some development as long as it doesn’t have an adverse impact.</p>

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	<p><i>"2. Frontages to new developments and existing properties, including gardens, will be in keeping with existing development and shall reflect the character of the area. Hedges and walls are typical whereas fencing is not acceptable."</i></p> <p>This part of the policy is covered elsewhere in the plan. We suggest removing it from this policy.</p>
	<p>3. Refer to evidence of the assessment of views and how they were identified.</p>
Policy VC2: Gardens and Verges	<p>Not sure how this policy can be used to determine planning applications – Existing properties and gardens, fall outside the scope of planning policy to determine planning applications. It can only relate to new development proposals.</p> <p>The subject areas of the guidance could be a bit clearer, with the addition of more topic area headings.</p>
	<p>3 - is incorrect doesn't require planning permission but requires consent.</p>
	<p>4 - is incorrect they need to apply for consent to do works to the trees.</p> <p>4a- Amend "<i>Tree Protection Orders</i>" to "<i>Tree Preservation Orders</i>"</p>
Page 76, Paragraph 1	<p>Refer to front boundary treatments as also being important on new developments to help them fit in with existing street character. Could refer to Section 5K in the RCC Design SPD as there is a section on this.</p>
Page 77, Paragraph 16-18	<p>Insert a heading to make this section clearer. These paragraphs relate to bridges more than pavement and hard edgings.</p>
Page 78, Paragraph 23 & 24	<p>It would be helpful to refer to Manual for Streets (MfS) here – as this guidance backs up these issues – in particular for example – MfS (2007) case study on page 118, and Manual for Street 2 (2010) sections 2.7 and 2.8 (village centres and rural areas)</p>
Page 79, paragraph 26	<p>Is there a need to say wood effect plastic is ok? Best to avoid and aim higher and go for wood or metal if covering this topic</p> <p>Street furniture –might want to aim for a consistent street furniture palette/range for the village- for coherence?</p>
Policy VC3: Street Character	<p>Could refer to the National Model Design Code. Could have future aspirations for a Neighbourhood Plan group led Design Code.</p> <p>Refer to National Design Guide.</p>

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	Sections 3, 4 and 5 of this policy fall outside the scope of determining planning application as it is not required to have planning permission for some of these works.
	<p>3a. <i>“traffic calming measures must be in sympathy with the village character”</i></p> <p>Suggest the use of “where possible” as per the adopted plan. This falls outside scope of planning policy unless it is required as part of the planning proposal.</p> <p>Traffic calming measures will be installed for safety reasons and there are often regulations governing the appearance of traffic calming measures which we would need to adhere to. Therefore, in some cases the appearance would not be able to be altered.</p>
	3b– even if there are traffic safety issues – MFS 1 and 2 suggest that there are sensitive ways of dealing with this not using unsightly conventional highways measures but still dealing with the safety issues and calming/slowing traffic.
	Section 6 – this doesn’t add anything to policy SP16.
Table 11.4	Remove. NP should not reference the withdrawn plan.