

Langham Parish Council Response to initial comments from National Assessor on Langham Neighbourhood Plan 2022. – date 29th August 2022

Dear Andrew,

First of all we would like to thank you for taking the time to do this for us so speedily and for the advice and suggestions you have sent through – we have found them very helpful.

The lack of a current Rutland Local Plan removes a layer of protection from Langham which places additional importance on the role of this Plan. For this reason some of our Policies reflect that additional weight. Your recommendation that the Plan be reviewed within 6m of the making of the new Rutland Local Plan makes great sense and it may be that some of the Policies may then **need to** be ‘dialled back’.

This has been illustrated perfectly by the recent passing of an application for 50 houses in Open Countryside, well outside the PLD. It was initially refused because of the Policy RS2 in our draft 2022 LNP preventing development in the open countryside. The developers then claimed that the draft LNP could not be considered as it had not entered Regulation 16 at the stage when their application was considered– and RCC agreed with them, changed their decision , and granted permission, citing Presumption in Favour of Development. Had the 2022 LNP been in place, with this key Policy included, we would not have lost yet more of our valuable countryside.

Your recognition that we are trying to get the Plan out quickly in order to protect Langham is greatly appreciated by us all, and we thank you for being so helpful, supportive and flexible. May I clarify that four members of the Steering Group are taking holiday at the end of August and this may delay future responses between September 1st and 26th.

Below is a table describing the response to each of your comments – we have offered explanation and justification in some, taken excess text out of others, modified a few and removed one. Additionally we have provided **a separate document clarifying** how each of the highlighted Policies might appear in a revised version.

~~We are awaiting advice from Roger Ranson on Rutland County Council on how to reflect, in Policies SG1 and 3, the granting of 50 house development, which occurred subsequent to the submission of our Plan to Regulation 16 and to yourself.~~

Since speaking with Roger we have clarified SG1 and 3. Any changes made since our original response dated 25h August I have highlighted in green for clarity.

Final draft response 29/8/22

Policy No	Policy Heading	Assessor Comments	LPC response
SG1	Housing Allocation	Suggest Modification <i>Is either statement of fact OR combination of Policy and supporting text</i>	We have pulled text out into separate box/table, leaving Policy behind (<i>see attached document showing 'before' and 'after' for this Policy</i>) and have modified the wording to account for the late permission for 50 houses.
SG2a	Meeting Housing Needs	Provide/Reference Evidence <i>Intention is clear but what is the evidence to support 30% affordable housing and threshold of 3 houses</i>	Reference/Evidence. Rutland Core Strategy CS11 calls for a minimum of 35% affordable homes in large developments of more than 5 homes. The draft of the Rutland Local Plan 2018-36 reduced this number to 30% Because Windfall development in Langham historically comprised between 1 and 4 homes, we wanted to ensure every opportunity to include affordable housing, so reduced the 5 home limit to 3, with strong support from the community in consultation meetings.
SG2b	Gypsy & Traveller Site	Recommend Deletion <i>Policy reads as a statement and cannot be reconfigured to read as a policy</i>	A Policy to address the issue of the number of traveller sites in Langham was included in LNP17 as Policy HR 1c. In light of your concern we offer the exact wording that was in that Policy (<i>see attached document showing 'before' and 'after' for this Policy</i>). We recognise that RCC is producing a new report for Travellers to support the developing Rutland Local Plan, but have quoted that report on which the Core Strategy is based. There are three sites in Langham with caravans on – two are traveller sites. The community welcome the travellers to the community but also recognise that Langham seems to have more than its share of Rutland’s Traveller accommodation and so would look for some control.

SG3	Site Allocation	Revisit Site Allocation <ol style="list-style-type: none"> 1. Reads as a list of priorities 2. RCC has highlighted 50 home allocation and recommends re-write supporting text with that in mind 3. Do we wish to continue to support LNP01 and 03 4. Are these 2 sites capable of being delivered 	<p>We have re-written this to reflect the reduced need of land for development since the granting of 50 houses on LNP05. LNP01 and 03 are small sites within the PLD. With no need to provide additional housing as we have already got planning permission for 68 with 15 more expected through windfall (an excess of 32 houses over RCC requirement) and as LNP 01 and 03 between them would provide no more that 5 houses in total , we have mentioned them in the re-worded policy as expected windfall but not planned for. (see attached document showing 'before' and 'after' for this Policy)</p>
SG4	Reducing Flood Risk	Does it add value to National /Local Policies	<p>We hope it adds granularity and specificity. Flooding is a serious problem in Langham and concern to residents (see photograph 4.7 – historical, and 4.8 – recent). Also the inclusion of this Policy was supported by both Anglian Water and Natural England (see Support Document SDL 2a responses on pages 76etc and 83 etc)</p>
BD1	Buildings and Materials	Suggest Modification <i>Is either statement of fact OR combination of Policy and supporting text</i>	<p>We have pulled text out into separate box/table, leaving Policy behind (see attached document showing 'before' and 'after' for this Policy).</p>
BD2	Housing Density and Layout	Suggest Modification <i>Is either statement of fact OR combination of Policy and supporting text</i>	<p>The first section of this Policy is almost identical to Policy HR4a from the 2017LNP. The second part was added because the community was concerned that houses were being jammed in, or overcrowded by excessive extensions, thus damaging the existing housing density and so the character of the village.</p>
BD3a	Water Quality & Management		
BD3b	Promoting Broadband	Suggest Modification <i>Is either statement of fact OR combination of Policy and supporting text</i>	<p>We have pulled text out into separate box/table, leaving Policy behind (see attached document showing 'before' and 'after' for this Policy).</p>

BD3c	Energy Efficient Construction	Modify <i>so it would apply proportionately to application concerned</i>	Our intention is that this Policy is interpreted proportionately and so we have used the phrase 'Any new development will <u>aim</u> to optimise.....' rather than '... <u>must</u> optimise..' In the last paragraph we use the phrases '... <u>suitable</u> materials...' and '...retrofits are <u>encouraged</u> ...', both of which aim to reflect that all homes and developments are not the same.
BD4	Architectural features		
CH1	Conservation Area		
CH2	Sites of Historical Importance	Unclear <i>What is the purpose of the first part What is the nature of the additional protection mentioned in second part</i>	Reference to Table 7.1 in this Policy is an error. It should reference Table 6.1. The first paragraph is virtually identical to Policy CH2 of the 2017LNP and has been included for that reason. In the second paragraph, we want to highlight structures of value to the residents of Langham that have not been given listed status. You are right to spot the mis-type in the first word in this paragraph – it should read ' <u>Additionally</u> ' and not 'Additional.'
CH3	Sites of Archaeological Importance	Reads as process matter <i>Please clarify intentions</i>	Langham has a strong and active Historical Society whose members have researched archaeological finds across Langham(see Figure 6.4 and SDL6), and are keen to preserve sites such as the Old Dye Works near Penman's Field. This Policy attempts to bring a spotlight to the potential for archaeological finds and sites in Langham, and seeks to ensure that archaeological surveys are more the norm than the exception.
RS1	Landscape Character	Suggest Modification <i>Is either statement of fact OR combination of Policy and supporting text</i>	We have pulled text out into separate box/table, leaving Policy behind (see attached document showing 'before' and 'after' for this Policy.

RS2	Development in the Countryside	Value Add? <i>Does this add any value to national/Local Policies</i>	<p>This Policy endeavours to bring attention to the fact that development in the Countryside around Langham has not been particularly well protected – in the past year alone 125 acres of open countryside have been given to a Solar Farm and a further large field to a 50 house development – both well outside the Planned Limits of Development and both in areas where the beauty of the countryside is enjoyed from Public Rights of Way.</p> <p>Whilst the lack of an updated Local Plan leads to the greater possibility of developers capitalising on Presumption in Favour of Development, it is felt that this Policy is critical to defend the remaining countryside.</p> <p>The 50 home development was initially refused based on this Policy being in the emerging LNP – however, on appeal, developers pointed out that the LNP was not yet in Regulation 16 and so this Policy could not be used to protect that countryside from development. This demonstrates that this Policy is all that stands between Langham and every field being developed – until such time as Rutland produces a n up-to-date Local Plan.</p>
RS3	Energy Generation in the Countryside	Evidence and clarification 1. <i>How was information in Table 7.1 determined?</i> 2. <i>What basis for saying wind energy neither suitable nor acceptable</i> 3. <i>Would this approach have regard to national planning policy</i>	<ol style="list-style-type: none"> 1. Table 7.1 was taken from a blend of Natural England’s ALC (Agricultural Land Classification) as found on www.Gov.uk, with some wording taken from the definition of ALC on Wikipedia. 2. It is probably more accurate to change this statement to read ‘Whilst RCC deems the area low/medium suitability for wind turbines (see paragraph below), the community feels strongly that such large structures would not be acceptable in such a small, rural settlement.’ <p>The Supporting Text below this Policy will include ‘In the Rutland Landscape Sensitivity and Capacity study of Sept 2012, the capacity of the Vale of Catmose for Wind energy via 1 and 5</p>

			<p>small wind turbines is deemed low/moderate in terms feasibility . With Langham village being in something of a basin, any wind turbines would need to be on higher ground and would be visible to all. Many views from and across the village are protected (Policy VC1).</p> <p>3.The suggested modification in point 2 would align this with National Planning Policy more closely.</p>
RS4a	Green Separation Zone	<p>Suggest Modification to allow proposals to come forward that were NOT unacceptable</p> <p><i>1.Is either statement of fact OR combination of Policy and supporting text</i></p> <p><i>2.Policy is excessively onerous and does not meet the basic conditions</i></p>	<p>Background Information.</p> <p>Green wedges are defined by the government’s Planning Portal as “open areas around and between parts of settlements, which maintain the distinction between the countryside and built-up areas, prevent the coalescence (merging) of adjacent places and can also provide recreational opportunities”. The Green Separation Zone is, in fact a Green Wedge but the term was not current when first this policy was written and so we gave it the name of Green Separation Zone and have retained the term to prevent confusion. Historically a developer was given permission to build hundreds of homes on land that was largely part of a small Restraint Village (one where no development was required) – this village was Barleythorpe and was at that time separated from Oakham. It is now a suburb of Oakham and exists as a separate entity in name only (Oakham and Barleythorpe).</p> <p>In 2014 when we first started writing the 2017 LNP this was the number one concern of the residents of Langham – that Langham too would become a suburb of Oakham – indeed, the agreed development did, through reserved matters, move across the Burley Parkway to abut the parish boundary of Langham. The concern remains today and the community has repeatedly demanded that we protect the strip of open land that defines the southern setting of Langham</p>

			<ol style="list-style-type: none"> 1. The first paragraph of this Policy is a copy of Policy HR2a of the 2017 LNP. 2. The second paragraph has been added to ensure that this strip of land is not treated in the same way as other pieces of open countryside in the past year or so and, whilst onerous, it does state what the residents of Langham seek. However, we agree with your observation that the wording of the final paragraph does not meet basic requirements so suggest an alternative wording taken from the protection of Green Wedges to read ‘ Development will be allowed only where it can be demonstrated that it will not negatively impact the open character, landscape, recreational and ecological quality of this important separation zone.’
RS4b	Wildlife Buffer Zone	<p>Suggest Modification <i>Is either statement of fact OR combination of Policy and supporting text. Minded to suggest removal.</i></p>	<p>This Policy was written in because we feared that RCC, through Presumption in Favour of Development, would allow 50 homes to be built in the open countryside beside this retirement community. Because elderly people bought these homes on the understanding that no-one below the age of 50 would live there – and hence no children and their associated noise. Our intention was to mitigate this situation and ensure some sort of buffer that would keep children in back gardens away from the back gardens of these elderly folk. Because this Policy was in the draft of the neighbourhood Plan 2022, the developers have included in their plans a 20m wildlife buffer zone and so the need for this Policy has disappeared. It should be removed.</p>
RS5	Biodiversity		

VC1	Important Open Green Spaces	Suggest Modification <i>Is either statement of fact OR combination of Policy and supporting text</i>	We have pulled text out into separate box/table, leaving Policy behind (see attached document showing ‘before’ and ‘after’ for this Policy).
VC2	Gardens and Verges	Suggest Modification <ol style="list-style-type: none"> 1. <i>Is either statement of fact OR combination of Policy and supporting text</i> 2. <i>Are parts 3 and 4 necessary given they simply restate existing controls</i> 3. <i>Parts 2 and 5 read as encouragement to owners rather than a land use policy</i> 	We have pulled text out into separate box/table, leaving Policy behind (see attached document showing ‘before’ and ‘after’ for this Policy). <ul style="list-style-type: none"> • Parts 3 and 4, dealing with trees, can be mentioned, with detail in the accompanying text • Part 2 is taken from Policy D3f of the 2017LNP, but we agree should be re-phrased as that Policy “The contribution to the character of Langham made by the gardens surrounding the Manor House, the grounds of the Old Hall and the front garden of The Limes should be safeguarded wherever possible, as important features of the village. • Part 5 treated in the same way as parts 3 and 4.
VC3	Street Character	Suggest Modification <i>Is either statement of fact OR combination of Policy and supporting text</i>	We have pulled text out into separate box/table, leaving Policy behind (see attached document showing ‘before’ and ‘after’ for this Policy.)
	Monitoring and Review	Suggest review is ‘6 month post adoption of new RLP or Jan 2027 (whichever occurs first)’	We accept that it is important that the LNP is reviewed once the new Rutland Local Plan is made and so we will modify this section as you suggest The final paragraph that speaks of SG3 will also need to change once we have been advised by Roger Ranson on what to do with the 50 houses.