

Rutland County Council Officer response to Ketton & Tinwell Pre-Submission Neighbourhood Plan



Rutland County Council Officer response to Ketton & Tinwell Pre-Submission Neighbourhood Plan – annotated for replies from K&T Neighbourhood Plan as at 19th Feb 2023

NEIGHBOURHOOD PLAN COMMENTS AND AMENDMENTS INCLUDED IN RED TEXT

PLEASE ALSO REFER TO THE ANNOTATED NP DOCUMENT PROVIDED WHICH NOTES PROPOSED CHANGES (PRELIMINARY SUGGESTIONS) ARISING FROM THE POINTS BELOW, TOGETHER WITH THOSE ARISING FROM POINTS MADE BY THE EXAMINER AND BY CERTAIN RESPONDENTS TO THE REG 16 SUBMISSION

Reference	Comment on Pre Submission NP
	General comments
Page 12	<ul style="list-style-type: none"> Reference is made to the withdrawn local plan – “A Local Plan review had been progressing and a document had been submitted for Inquiry, but the plan was withdrawn in September 2021.” We would suggest replacing this with a reference to the development of the new Local plan that is progressing. The revised Local Development Scheme is going to Cabinet on 12th January 23. Wording revised
Page 14	<ul style="list-style-type: none"> Remove reference to the withdrawn local plan. Wording revised
Page 17	<ul style="list-style-type: none"> Plan states “... once it becomes part of the Development Plan it is expected that the Local Planning Authority will take Neighbourhood Plan policies into account in decision-making on minerals working, processing and site restoration. Neighbourhood Plan policies on landscape character and biodiversity will therefore be especially relevant ” - not sure that this reflects national policy and guidance. Minor wording change to remove ref to “minerals, processing”
Page 18- 20	<ul style="list-style-type: none"> Remove reference to the withdrawn Local Plan Review policies in text and the table. We believe that what we have included is a statement of fact and provides useful background as well as references to the application of NPs in the planning process. We therefore believe it is appropriate to retain these references.
P. 115 & Glossary	<p>The affordable housing definitions are shortened versions of the full definition of Annex 2 of the NPPF. The main issues are that:</p> <ul style="list-style-type: none"> the word ‘local’ is omitted from the version in the Glossary, just in front of the phrase “essential workers” it would be better if the reference in the Glossary stated that the full definition in Annex 2 of the NPPF. <p>We have changed the wording slightly in the intro, and included the full definition in the glossary</p>

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	Our Community
Policy KT1 - Overall Sustainable Development and Localism Principles	<ul style="list-style-type: none"> Last sentence of part B) – isn't required as this when 'made' the Ketton & Tinwell neighbourhood plan will be part of the Rutland Development Plan and the policies contained within it will be used to determine planning applications in the neighbourhood plan area. Sentence removed (section also moved to accompanying text following examiner's comment – see response to examiner)

Reference	Comment on Pre Submission NP
	Our Environment
Policy KT 2: Landscape character and important views	<ul style="list-style-type: none"> The inclusion of 75 views is a lot for Development Management Officers to consider in planning applications and this large number will make it more difficult for planning officers to implement this policy. We appreciate the evidence document 2 which provides the methodology of identification and justification of the view. Each policy needs to be strongly evidenced to show that is necessary to be included in the policy and we are unsure that all views identified are necessary to be included. Another suggestion has been to group some views in to one panorama. We have to disagree with this view. We are unclear as to why considering multiple views in assessing a planning application is any different to considering one view. In assessing a planning application the location and setting must needs be taken into account; identifying key views can only help with that process. Any individual planning application would apply to a relatively small area within the whole Plan Area so only a small proportion of views would be relevant for that application. Moreover we believe we have provided adequate evidence and rationale to explain why we believe the selected views are relevant. Post the Reg 14 stage we revised the presentation of the views into logical clusters for specific areas. Consequently the Reg 16 Submission includes revised maps to reflect this. We believe this should make it more helpful for RCC officers to implement the policy. We would also note that this NP covers two villages (Ketton and Tinwell), two distinct hamlets (Geeston and Ingthorpe) and three river valleys (Welland, Chater and Gwash). The area is therefore somewhat more complicated than, for example, a small village with a linear character.

	<p>We believe the above supports the number of views presented.</p>
	<p>Our Heritage</p>
<p>Policy KT 4 – Local Green Infrastructure Corridors</p>	<ul style="list-style-type: none"> • In Part A, define what is meant by “close proximity”- does it mean adjacent to the LGIC? Amended • The policy should make clear what is meant by “compromise the existing integrity of that LGIC” Drafting clarified • (ii) The word “increase” is missing before “recreational value” Previous drafting a little convoluted – this has been amended • It should be noted that the LGIC areas fall within Mineral Safeguarding Areas and so the policy should recognise that there is a potential for minerals development in the LGIC. Extension of the quarry of Ketton Quarry in the future would be “development”. Drafting amended. But also see response to KT 11 points
<p>KT 5 Designated Heritage Assets in and around Ketton</p>	<ul style="list-style-type: none"> • Please note the Important Open Spaces referred to in the Conservation Area Appraisal 2020 for Ketton fall outside the scope of Core Strategy Policy SP21. The Important Open Space terminology only relates to the Conservation Area Appraisal and does not represent planning policy for the land identified as Important open space in the CAA. As such, this does not preclude development of the land. The purpose of the Conservation Area is not to control development but to ensure that development proposals take into account the contribution that a building/feature makes to the conservation area. The appraisal provides an up to date evidence base to help inform development proposals and to help development control officers and conservation officers make planning judgements giving regard to the heritage interest of the area. This is understood and we believe that the policy is correct as it stands. The policy states that proposal should “take full account” of the CAA and other heritage features as stated. There is no implication that this is seen as part of planning policy precluding development but rather it should be a necessary part of the overall decision-making process to ensure an appropriate outcome in the local context. • We suggest deleting references to the 2012 RCC Important open space/frontage from the Policy KT5. There may be sites identified in review for inclusion or removal that are not on the adopted proposal map. It would be appropriate to only refer to Important open space sites identified in the adopted Local Plan proposals map and subject to Local Plan adopted Policy SP21. Amended

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Reference	Comment on Pre Submission NP
<p>KT 6 - Designated Heritage Assets in and around Tinwell</p>	<ul style="list-style-type: none"> We suggest deleting references to the 2012 RCC Important open space/frontage from the Policy KT6. There may be sites identified in review for inclusion or removal that are not on the adopted proposal map. It would be appropriate to only refer to Important open space sites identified in the adopted Local Plan proposals map and subject to Local Plan adopted Policy SP21. Amended
<p>KT 7 - Protecting and enhancing archaeological sites</p>	<ul style="list-style-type: none"> This is usually subject to a conditional requirement for the work to be undertaken, much as we agree with the principle of getting information in early/alongside an application we are not confident we could use this to refuse an application if the information wasn't provided concurrently. (Not sure we are asking for concurrent info) Policy SP20 – The historic environment – has a policy within it that covers archaeology. KT7 doesn't add additional protection and so policy KT 7 we suggest that it's not required in the neighbourhood plan Overall on reflection we agree with this comment. SP 20 is thorough. We would be content to delete this policy. Part b) of the policy- we not sure how this would be implemented/enforced. (Agree. Part b) quite woolly).
<p>KT 8 - Existing open space and recreation facilities</p>	<ul style="list-style-type: none"> Page 80 – remove reference to withdrawn local plan. Amended Paragraph 5.18 on page 57 of the Rutland Core Strategy provides a definition of Green Infrastructure. Some of the spaces and recreational facilities listed in this policy are covered by the definition and so they are protected from development by policy CS23. KT 8 doesn't add any further protection and so we suggest it's not necessary to include. The CS definition covers everything that is green, admittedly. However it also allows for removal/replacement of green areas in certain circumstances. The quality of such changes will be hard to quantify/justify in comparison to the characteristics of established green space. Moreover the fact that such changes are envisaged in CS 23 as being able to happen shows that small, locally-important areas could be easily lost as a by-product of other development, unless there are adequate safeguards. Hence this policy. See also response to Examiner.

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<i>KT 9 - Open space provision within new housing developments</i>	<ul style="list-style-type: none">• Consider if this policy adds further to policies CS21 – The Natural Environment and CS23 Green Infrastructure, Open Space, sport and recreation. We believe it provides local context – see response to Examiner. “The level of provision should be in accordance with the standards....” repeats policy SP22 and so it is not necessary to include. Agree this can be deleted.• Page 81 sets out NP standards for open space for both Tinwell & Ketton however in the last paragraph before ‘Open Space Policies’ on page 82 states “these calculations are based on a basic review” and that there is a “need for improvement to formal open spaces and for new provision should be based on a clear and up-to-date assessment of current provision and future needs. RCC will be requested to support an
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	<p>assessment in parallel with the preparation of this Neighbourhood Plan.” Does this need to be included, not sure what this section will add? We have changed drafting to refer to assessment being made by RCC in local plan development.</p>
<p>Policy KT 10 - Proposed Local Green Spaces</p>	<ul style="list-style-type: none"> When deciding whether to designate a Local Green Space, it is important to start with thinking about what level of protection do these spaces require? Is this the most appropriate policy to protect them? Some of these spaces will be protected by other policies and will be unlikely to be developed anyway and so it isn't appropriate to designate them as Local Green Space CS 23 is essentially fallible. It allows for GI to be removed, replaced, replicated – but that raises more questions about the adequacy of such a process in terms of protecting natural heritage and people's access to nature. Having a further layer of specified sites allows for more specificity and degrees of protection (see response to Examiner) Need to ensure that the sites identified are not already safeguarded by policy CS23 as they fall under the definition of green infrastructure on page 57 Para. 5.18) eg. The green burial ground, windmill woodland If so, they won't meet the definition for local green space (LGS). See point above. Also, per CS 23 everything is GI – but if it is there would be no need for LGS provisions in the NPPF... so this doesn't seem logical. The table shows where it is believed they meet the qualities to match the requirements for LGS as set out in the NPPF. Whilst it is recognised that information has been provided supporting the designation of all sites, it should be noted that this must be robust and will be expected to demonstrate that all sites are 'demonstrably special to the local community' to justify their designation. We believe we have made the rationale for each site robustly, and would point to the additional explanatory text included in the NP document at pages 96-99. We also believe that some sites shouldn't be designated as they are extensive tracts of land and are not 'local' to Ketton. Please see response to Examiner which includes a table of area dimensions for certain LGS. With the possible exception of the Green Burial Site, we would disagree that they are unduly extensive when their role in the local landscape and in particular their relationship to the built heritage is considered. Please also see the response to the Examiner on our proposal to move the Green Burial Site from KT 8 (sites inside PLoD) to KT 11 (sites outside PLoD) as that site is outside PLoD. In the first paragraph of the explanation on page 89, it suggests protection is afforded to the defined

	<p>Important open spaces in the Conservation Areas, however they fall outside the scope of Policy SP21 and do not preclude development – see comment for Policy KT5. Drafting amended.</p>
<p>Policy KT 11 – Other Important open Spaces</p>	<ul style="list-style-type: none"> • We question the purpose of this policy when important open space and frontages within the planned limits of development are protected by the Local Plan policies and NP policies KT8 and KT10 and these “other important open spaces” haven’t been considered special enough to designate as Local Green Space. Is there a need to have two policies? Please see our response to the Examiner for further clarification on these points. In summary, our rationale for these policies is as follows: <ul style="list-style-type: none"> ➤ KT 8 deals with sites inside PLoD which could be at risk from infill development (Please also see above about Green Burial Site change) ➤ KT 10 emphasises the proposed sites’ local significance and special value to the community. This is the reason they have been selected and why they stand apart from KT 8 and KT 11 ➤ KT 11 is needed to cover sites outside the PLoD, particularly as SP 21 doesn’t apply outside the PLoD (i.e. outside PLoD is not covered by the Policies map). In view of development already extending beyond the PLoD into the countryside we believe it is not safe to rely solely on DPD policies dealing with the open countryside. • See Comment for KT5. Is this policy necessary as repeats policy KT5. It seems to be additional sites that

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	<p>have not been identified as Local Green Space. Policy SP21 applies to Important open space/frontages within the PLD.</p> <p>We do not believe this repeats KT 5 but rather it has been designed specifically to cross- refer to KT 5, especially as SP 21 is effectively restricted to sites within the PLoD and these KT 11 sites are outside the PLoD – please see above notes, and also our response to the Examiner.</p> <ul style="list-style-type: none"> • Delete Proviso b). Minerals and Quarrying is a County matter, whilst the quarry is operational it is defined as ‘Excluded Development and should not be included in the Neighbourhood Plan to meet the Basic
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Reference	Comment on Pre Submission NP
	<p>Conditions. The supporting text refers to ‘always exclude commercial or residential development’ the quarry will be subject to a Restoration Scheme.</p> <p>We feel that in the absence of reassurances that a restoration scheme would preclude any commercial and residential development, this proviso is required – see also our response to the Examiner</p>
Policy KT 12- Allotments	<ul style="list-style-type: none"> • We believe this is a community aspiration rather than a planning policy. It is included in the community aspirations of the Neighbourhood plan. Could be put in a CIL spend plan or if the Parish Council has an idea where they want it to go, they should think about allocating it. <p>We will await the Examiner’s view.</p>
	Our Housing
KT 13 Location and scale of new housing (Ketton)	<ul style="list-style-type: none"> • B) is not required in the policy. The planning application would be considered against all neighbourhood plan policies in their own right. “<i>should be located outside of Planned Limits of Development... subject to the RCC Rural Exceptions policy.</i>” Is not required as this is repetitive of Local Plan policy. Amended • Replace “Individual Larger Village” with “Local Service Centre” Amended • (ii) needs to be reworded as the indicative housing requirement is a minimum. Eg. “<i>In order to provide proportionate and controlled growth for Ketton in line with government and local housing targets, the neighbourhood area will provide a minimum of 52 dwellings within the Plan period</i>”. The explanation then demonstrates that the indicative supply has been met by planning permissions. <p>We have used the proposed rewording but in a slightly different way, and so have made amendments to KT 13 which we believe reflects what has been suggested by RCC</p>

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<p>KT 14 - Location and scale of new housing (Tinwell)</p>	<ul style="list-style-type: none"> • B) is not required in the policy. The planning application would be considered against all neighbourhood plan policies in their own right. “<i>should be located outside of Planned Limits of Development... subject to the RCC Rural Exceptions policy.</i>” Is not required as this is repetitive of Local Plan policy. Amended • (ii) replace “Smaller village” with “smaller service centres” Amended • (iii) is unnecessary because the explanation of this policy reiterates the reason for the principles of this policy. Disagree – (ii) is about Tinwell itself, (iii) is about Tinwell in the context of other SSCs.
<p>KT 15 - Infrastructure requirements associated with new housing</p>	<ul style="list-style-type: none"> • This may not fit easily with current arrangements for s106 and CIL and on-site open space not always practicable. We recognise the issues raised here by RCC but believe that KT 15 should stand as having a particular local relevance - see our response to Examiner • 1) - We suggest that this may fit better in a Sustainable Urban Drainage policy Local relevance and impact - see above note • 2) is covered by Local Plan policies and other policies within this plan and so we suggest that this is not necessary. Agree this (2) *could* be deleted if necessary

Reference	Comment on Pre Submission NP
	<ul style="list-style-type: none"> • 3) –This is not in the scope planning of planning policy because it is covered by CIL. CIL is a levy on all eligible development which provides a sum of money to the County Council dependant on new floor space created. RCC collect this levy and then determines how, when and what infrastructure the money will be spent on. It cannot be a separate NP requirement on developments. – perhaps the NP should consider how it would spend the parish share of CIL. We have mentioned earlier that we would be happy to discuss the development of a CIL Spending List. See note above and response to Examiner
<p>Policy KT 16 - Design requirements for new housing</p>	<ul style="list-style-type: none"> • Change references to “Rutland and South Kesteven Design Code to “The Rutland Design Guide SPD (May 2022)” Amended • Where reference is made to National Planning Policy Framework – add “(2021)” Amended

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<p>Policy KT 17 - housing mix for new developments</p>	<ul style="list-style-type: none"> • (ii) - We would be cautious about how reasonable it might be to refuse something on this basis. See below • You need to have evidence other than the village survey to require ii). Also need to know what the baseline is that the assessment will be made against. See below • Reference the Strategic Housing Market Assessment Update 2019, available on the Council's website as this will provide housing mix information. SHMA data for Rutland indicates that the primary development focus should be on 3 beds and below. Policy and explanation amended accordingly. Also wording of ii) amended on lines of Barrowden and Wakerley 'made' NP. Please also see response to Examiner. • In the Housing mix introduction text, it makes reference to 'Starter homes'. They are not regarded as affordable housing. The definition of affordable housing is abbreviated and omits key criteria. The NP should state that the full definition is in Annex 2 of the NPPF Text amended
<p>Policy KT 18 - Extensions and conversions</p>	<ul style="list-style-type: none"> • Change references to “Rutland and South Kesteven Design Code to “The Rutland Design guide SPD (May 2022)” in the explanation. Amended
<p>Policy KT 19 – Commercial developments</p>	<ul style="list-style-type: none"> • Proviso d) is not a planning consideration that can be implemented. • Proviso e) relates to d) above so falls outside the scope of planning policy too. We disagree on d) but can agree on e) being removed- See response to Examiner

Reference	Comment on Pre Submission NP
<p>t, including agricultural</p>	
	<p>Travel and Active Transport</p>

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<p>Policy KT 21 – Impact of A1 development</p>	<ul style="list-style-type: none"> • Part a) Is not appropriate for a NP policy as it is a matter set out in National Planning Policy. • Paragraph 111 of the National Planning Policy Framework sets out that “all developments which generate significant amounts of transport movement should be required to provide a Travel Plan”. It also sets out what should be included in a TA. It is therefore for the highway authority to determine when a TA is required on a case by case basis. <p>Re. both the above bullet points, we believe it is acceptable to keep this policy as it stands given its emphasis on local characteristics, and examples of other ‘made’ NPs referring to trunk roads. We have made some textual amendments to try to reflect RCC points. Please see response to Examiner.</p>
<p>Employment and Business</p>	
<p>Policy KT 22 - Encouraging new businesses</p>	<ul style="list-style-type: none"> • Does this policy mean it only supports businesses within the PLD and only tourism or rural diversification outside in the countryside? What does the NP consider to be rural diversification? We have proposed amendments to KT22, to meet this point.
<p>Policy KT23 – Working From Home</p>	<ul style="list-style-type: none"> • Section C of policy SP15 in Site allocations and policies DPD (amenity) also protects the amenity of the wider environment surrounding planning proposals. Does this policy add anything extra to policy SP15 to help determine a planning application? We accept this point and agree the policy could be deleted.
<p>KT24 - Fibre broadband:</p>	<ul style="list-style-type: none"> • The Building regs state “Requirement R1 is to provide the in-building physical infrastructure so that, in future, copper or fibre-optic cables or wireless devices capable of delivering broadband speeds greater than 30 Mbps can be installed.” Does this policy add anything additionally to this? We accept this point and agree the policy could be deleted.
<p>Services and Facilities</p>	
<p>Policies KT 25: The protection of community facilities</p>	<ul style="list-style-type: none"> • Does this add anything extra to CS23? Yes we believe it does. CS 23 focuses on the retention of green infrastructure and, in that context, sport and recreation facilities. This policy is designed to be applicable to all types of community facility, not just sport and recreation. This could include: health, social, and cultural aims. The cross-reference to KT 26 is a key part of the policy, and KT 25 also includes the provision for the community right to bid. This policy has been included in other ‘made’ NPs

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Reference	Comment on Pre Submission NP
<i>Policy KT 26 - The provision of new community facilities</i>	<ul style="list-style-type: none"><li data-bbox="481 288 2029 541">• Given the tone of KT26, should this be a positively worded policy? Eg. such development will be supported unless i/ii/iii etc <i>We have made an adjustment which modifies the tone. However we believe the general construction of this policy matches that of other NP policies on new development, and ensures an emphasis on the context of community facilities already available in the Plan Area. Please also note that some additional changes are proposed to this policy to deal with issues raised in a response to the Reg 16 Submission. Please also see response to Examiner.</i>