

## **PETITIONS, DEPUTATIONS AND QUESTIONS TO THE SPECIAL MEETING OF RUTLAND COUNTY COUNCIL ON WEDNESDAY, 1 SEPTEMBER 2021.**

### **1. Deputation from Sinclair Rogers, Chairman of Ketton Parish Council.**

Ketton Parish Council wishes to bring to the attention of Rutland County Council what it considers to be one of the many unintended consequences of the county council's rejection of its portion of the Housing Infrastructure Fund earlier this year. This rejection will have its impact on villages throughout the county that appears not to have been fully considered. At the meeting of the parish forum on 23 August 2021 it was suggested that, following the withdrawal of the current local plan, there would be a "planning free-for-all."

A serious problem with the possible increase in the population of the village is that there is nothing like the addition to local resources that is needed to accommodate the increase. Although the county council has designated Ketton as one of its service centres, the village already lacks essential services and has poor public transport.

At the time of writing there are four planning applications for housing development in Ketton. These developments are likely to add about 20 per cent to the population of Ketton. The village is already struggling with problems of speeding and parking. These problems and others will be exacerbated by the sheer number of new houses and cars. It is important to stress that none of these planning proposals brings any increase in public services or facilities.

Ketton Parish Council remains deeply concerned about the possibility of yet more developments in the village and the lack of any accompanying infrastructure that will help all its new and established residents to benefit from living a happy and fulfilled life in Rutland.

I hope the county council will pay full attention to the needs and aspirations of the many villages in Rutland that contribute so much to the essential and special nature of the county of Rutland.

### **2. Question from David Vickery.**

To the Chairman of Rutland County Council.

If the Report's recommendations are approved to withdraw the submitted Local Plan, will the Council in the interim, until a new Local Plan is prepared and adopted, take advantage of the recent Court of Appeal judgement (Peel Investments \*) to enhance its prospects of resisting speculative and unplanned housing developments by:

1) Preparing a publicly accessible planning document, regularly updated, of those environmental protection and other planning policies in its existing adopted Local Plan which it considers not to be out-of-date in terms of paragraph 11d of the National Planning Policy Framework (the NPPF).

2) Preparing a Supplementary Planning Document (SPD) under Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 by using the work already undertaken for the submitted Local Plan to update the settlement hierarchy planning policies which guide development locations in Rutland (policies CS3 and CS4 of the adopted Core Strategy). An SPD is a material consideration in decision-making.

3) Preparing a Supplementary Planning Document by using the work already undertaken for the submitted Local Plan to update the Planned Limits of Development set out in policy SP5 of the adopted Site Allocations and Policies DPD.

4) Where necessary, updating key Conservation Area Appraisals in those towns and villages likely to be under development pressure to ensure that key open spaces, views and sensitive building groups are highlighted as areas to be kept free of development.

\* Peel Investments v Secretary of State for Housing, Communities & Local Government [2020] EWCA Civ 1175. The court held that where a 5-year housing land supply was not provided, and/or a local plan was out-of-date for other reasons, and/or a local plan period had expired, this does not automatically render the policies in the plan out-of-date for the purposes of paragraph 11d of the NPPF. In particular, some non-strategic housing policies, such as environmental protection policies, might be intended and designed to operate on a longer timescale than the plan period.

### **3. Deputation from David Hodson.**

The consequences of accepting the recommendation put before you are clearly laid out in the report:

- It will cost £1.4 million pounds. This will have a significant impact on the services which Rutland can provide. Clause 2 of the report.
- It will take a minimum of 4 years to create a new plan. - Table at the end of the report
- The County will not have an up-to-date strategic policy framework to meet its identified housing and development needs.. i.e. No five year housing supply. Clause 2.14
- The NPPF requires that the default position on planning applications is that they be granted except in special circumstances. i.e. builders can build where they want, not where we want. Clause 2.16

- St Georges is a brownfield site and like it or not will be developed in one way or the other. Clause 2.17

The Council for the Preservation of Rural England argue that the Government has got its figures wrong – the number of houses is not required and Rutland's share is too big.

Are you prepared to gamble on the future of Rutland in trying to overturn Government policy?

The Council for the Preservation of Rural England also argue that the additional houses should be scattered around small villages rather than located in a sustainable community.

Local Service Centre such as Whisendine, Market Overton, Rhyall, Essendine, and Cottesmore will have to take a significant number of extra houses. Where is the evidence that these villages want this number of extra houses?

Anyone who lives in a small village knows that the most of the residents will have to travel everywhere for shopping, work schooling and medical services. These are not sustainable communities and should not be continually expanded. Trying to get consensus amongst any group of people with widely different interests is never going to be easy, but surely there comes a time when the greater good has to take priority.

On a world scale, fighting climate change must be a top priority. On a National scale, it is fighting Covid. At County Council level, it is having a Local Plan. Without it, there is no plan for Rutland and housing / development will be uncontrolled.

No one can doubt how long and torturous the path is in creating a Local Plan. There is no guarantee that we will not end up in the same impasse as we are now in 4 years time.

Is that what you really want? I suggest that the consequences of the recommendation are far worse than continuing with the plan. Be careful for what you wish for.

Please reject the recommendation to withdraw the Local Plan and revisit the decision to reject the HIF bid.

#### **4. Deputation from Ron Simpson, Chair of CPRE Rutland.**

CPRE is the countryside charity that campaigns to promote, enhance and protect the countryside for everyone's benefit, whichever parish they live in. Here in Rutland the countryside charity has been engaged with the developing

local plan from the outset and has submitted a detailed professional response on its current inadequacies to the Planning Inspector for the proposed planning inquiry.

Rutland is a small community with a history of positive county and parish relationships. It is with great sadness that the charity witnesses the public division being created by both the content and the process embodied in the preparation and approval of the new local plan. The charity therefore welcomes the key officer (and presumably council leadership?) recommendation in tonight's report that the Local Plan be withdrawn and a new plan prepared that might reflect a stronger consensus of community opinion on housing and infrastructure needs.

The charity sees the key benefits of accepting the principal recommendation to withdraw the submitted local plan as follows:

1. The opportunity to found a modified or new plan on the forward vision for Rutland being identified in the Rutland Conversation – a key weakness of the current plan is that it is not linked to any community approved goals
2. Such a decision would pause the extensive and expensive legal work being prepared by a wide range of organisations for the pending planning inquiry in what is shaping up to be a memorable conflict. The outcomes for the council are likely to be significant expense and a requirement for substantial change in the submitted plan
3. The opportunity to restore and strengthen the planning function with additional resources in Rutland which is clearly believed by many to be more orientated than it should be toward the aspirations and processes of South Kesteven DC
4. An opportunity to revisit the widely disputed future housing requirement for Rutland and to correct the extraordinary decision to gift a critical housing allocation of 650 homes to SKDC and thereby address the reality of the requirement for a deliverable 5 year housing supply
5. The opportunity to strengthen planning policy and development control around MOD owned land and other similar brownfield sites to reflect their rural setting and effectively resist any undesired future application
6. The opportunity to further support all villages and the county's two market towns in meeting their actual environmental, housing, transport and economic needs by enabling more community led neighbourhood plans empowering 'locally determined' site allocations and assessment of need.

Turning to the further recommendations in the report, the charity has concerns about the predetermined processes, costs and staffing implications put before members of council as necessary to move forward with a new local plan. While accepting the view that it is wise to prepare for receipt of a number of speculative planning applications in the coming months, it is a widely held view that the council's most critical need is the appointment of an additional, very senior qualified and experienced planning officer. He or she would then be able

to help take the council forward by creating an integrated policy and development control team which is fit for purpose given the declared direction of travel of government on planning matters.

CPRE Rutland therefore urges the council to give further consideration to the future staffing requirements necessary to deliver an effective local plan that will both sustain and protect the county's heritage and economy.

In summary CPRE Rutland, having considered all the implications and risks detailed in the report, applauds the principal recommendation put before council members to make a fresh start on a new local plan linked to the future vision for Rutland emerging from the Rutland Conversation. The charity would prefer to collaborate with such a venture than win a battle at a planning inquiry.

Members need to look no further than the clarity provided in paragraph 6.2 of the report to understand that the onlooking planning inspector will expect such a decision. It clearly states that the submitted plan is unlikely to meet the required test of soundness, and the council is advised to withdraw it. If more conviction is required, view paragraph 4.1 which advises that if the current plan proceeds to examination, there is a high risk it will be found to be 'not sound'. As a bonus, those as yet unsure about the recommendation to withdraw can take heart from paragraph 12.4 with its proposal for 'comprehensive' community engagement for the future. Surely that is something on which we can all agree.

Thank you for listening.

## **5. Deputation from Andrew Johnson, Chairman of Morcott Parish Council.**

I do not intend to repeat the many valid arguments which support the withdrawing of the current Regulation 19 Local Plan, all of which are endorsed by Morcott Parish Council. Instead, I would like to draw your attention to two significant implications of tonight's vote on whether you follow the professional advice of your Planning Officers, or whether you accept the considerable risks of persisting with the discredited Regulation 19 Local Plan.

Firstly: If you vote to ignore the advice of your professional officers and decide to continue with the current Local Plan then the process is far from over and you would be accepting even more risk than the alternative proposed.

What are those risks?

The first risk is the funding of the infrastructure required by the Plan: RCC would still need to find the funding monies to allow the infrastructure to support the plan to be built. This is far from certain and the most interested party in the development has already confirmed that the monies are not available from them. If not fully funded, then the cost of the infrastructure required far exceeds

RCC's budget and it is hard to see how this could be achieved. Even if funding was found, the liability implications for RCC are huge in comparison with the annual budget.

The second risk is the Examination In Public by the Planning Inspector. This is a major hurdle ahead. The EIP will be heavily contested by many local organisations and individuals who have sufficient funding to make a significant impression on the Planning Inspector. The risk of the current Regulation 19 Local Plan being thrown out is very high. Do you really want to accept that this is a risk worth taking for RCC? The chances of mitigating the risk are very low.

If you vote tonight to keep the process going with the Regulation 19 Local Plan then this vote is not the end of the process, it is just the beginning of the next stage. Secondly: The Places Directorate and your Planning Officers have obviously tried so far to stay with what they were being told was the agenda of the majority of the Council. Since the vote on the HIF bid this has now changed and it is highly significant that the Planning Officers are now recommending that the current Regulation 19 Local Plan be withdrawn.

The Planning Officers understand the implications of this recommendation and yet their professional advice to you is to withdraw the current Plan. This must mean that, taking into account all the implications, they consider that this route represents the lowest risk in moving forward to ensure that Rutland has a viable Plan.

What are the consequences of you ignoring their professional opinion this evening? If you ignore their advice, then where does this leave them as a team of professionals?

If you ignore their advice what are the implications for Rutland as a viable Council? Can you afford the risk of losing the services of the professional officers that you currently have?

If you ignore their advice who else will consider a planning role in Rutland when they know that their professional opinion will not be valued?

I put it to you that by voting to withdraw the current Local Plan you are choosing the path which has the least risk for Rutland and the greatest chance of succeeding in providing the best future for the County.

## **6. Deputation from Pat Ovington, Langham Parish Council.**

I represent the Parish of Langham and our deputation has 8 points covering both the Local Plan issue and the HIF vote that led to it.

**3 points on the HIF vote that led us to this situation:**

1. Councillors for over 12 months, have evidently supported the development of the Local Plan, which contains details of the development of St George's. *It is difficult to understand how half of you, at the eleventh hour, then voted against the Local Plan by voting against the HIF – knowing that any Plan that contains a section that is no longer relevant cannot be passed.*
2. At the March 22<sup>nd</sup> meeting we were told that the risks and cost-implications of refusing the HIF could not be discussed in open forum for confidentiality reasons, but we were assured that every councillor had the full facts to inform their decision. Therefore, knowing that a vote against HIF would invalidate the Local Plan and so waste money invested to date, (£1.1m + £480k marginal costs), would likely cost over £1million more to develop a new plan and would expose Rutland to 4 years of zero or very limited control over planning matters, *it is difficult to understand the thinking behind the 'no' vote that half of you cast.*
3. The MoD will sell the site at North Luffenham and so it will be developed; and whoever develops it, there will be individuals and communities who don't like it. With RCC controlling that development at least Rutland folk would have a say in that development with the knowledge that a robust Local Plan sat behind it. As it is we have chosen to hand over the development of St George's to anyone who wants it and have created an environment where, without the protection of the Local Plan, developers can do whatever they want. *Obviously a body of people such as yourselves would not knowingly have put the county they represent in such an invidious, worrisome and dangerous position. We would ask councillors to consider carefully whether they have truly acted in the best interests of Rutland in this instance and seize the opportunity to rectify the situation whilst there is still time.*

### **One point on Rutland's reputation and threat to its independence.**

4. To have to withdraw a Local Plan that has cost so much at this late stage and to leave an entire county exposed to developer exploitation for years does not say 'This county is well run and is worthy of being independent'. We fear that not only will Rutland's reputation be seriously damaged if we withdraw the Local Plan, but longer term this might lead to the loss of the independence that we value so much. *We need to prevent this now.*

### **3 Points on Neighbourhood Plans and local planning.**

5. We are told that Neighbourhood Plans will be more important should there be no Local Plan- yes, but they will also be far less effective because they will not be supported by the power of the Local Plan. In the battle against uncontrolled development, the Local Plan provides the paid artillery – the big guns; the Neighbourhood Plans provide the volunteer foot soldiers. The battle continues but you have withdrawn the artillery. You are effectively telling us that we are on our own for 4 years and you will be unable to provide the support we have a right to expect. *If this happens you will collectively*

*have reneged, perhaps unwittingly, on your promise when elected to protect your communities and the county of Rutland.*

6. In Langham our community most wanted a Neighbourhood Plan to protect us from the same fate as Barleythorpe – we wanted to remain separate from Oakham. So over 100 people invested 4 years of their life developing a NP we were assured would provide that protection, with a Policy calling for protection of a Green Separation Zone (GSZ) between Oakham and Langham Village. With no Local Plan to support our defence of the GSZ, Permitted Development will ‘trump’ the only card we have to play. *We invested in a Neighbourhood Plan because we were assured it would add weight to the Local Plan and provide us the protection we sought. With the Local Plan under threat we feel completely let down by you.*
7. Towns and villages with no Neighbourhood Plan rely completely on the Local Plan to protect them from planning exploitation. They must now feel very worried about their immediate future. *Those councillors who need to allay people’s fears for their community will find themselves in the unenviable position of having to defend the indefensible.*

**One final Point:-**

8. In trying to protect the wishes of our individual communities it is important to think hard about whether the alternative is worse. *The intention behind the vote to refuse the HIF was perhaps to reflect the wishes of local communities and prevent development at St George’s. Instead we have created a far worse situation for those, and other, communities. And we have a duty to rectify the situation .*

**In summary**

We collectively find ourselves in a very dangerous situation where, over the next few years, the beauty and character of Rutland could, and almost certainly will, be radically changed if not ruined by unregulated building and development.

It matters not one whit how we got here – every decision that has been made, to date has, we are sure, been done with the best intentions. But we must accept that those decisions have led us to an extremely precarious position. Between us, we now need to recognise there is only one way out and we must take it collectively.

We in Langham will support councillors 100% in taking three actions

1. Agree today NOT to withdraw the Local Plan; but this means you must also
2. Agree today to re-visit the HIF vote at the end of September, and then at that time

3. Vote to accept the HIF and then work together to ensure that St George's development is one in which the residents of Rutland can feel proud.

## **7. Deputation from Tim Smith, Chairman of North Luffenham Parish Council.**

Towards the end of 2017 I attended a meeting at the Council Offices with our then Parish Chair. We thought we were going to be involved in a discussion on the future of the SGB site.

Instead, we were given a presentation, along with a glossy brochure on a decision that we now know was made in secret with the MoD: a new town bigger than Uppingham.

There had been no prior consultation with those communities most likely to be affected by any sort of development of the SGB site. Yes, consultations followed, I attended them; two in NL, one at the Officers Mess and one at Victoria Hall. They weren't meaningful consultations; you were simply invited to tinker around with a made plan: 'do you want a sports field here or there'.

There was a meaningful consultation when the communities were asked to submit their comments. In response to the question 'Do you support the proposed changes to the proposed housing requirements'- 95% were against the development as proposed. You will find the acknowledgement of these answers in the appendix 5 page 960 of the 966 page document for Reg 19: these answers were simply 'noted' and any proposals for change were just ignored.

Even with the SGB Advisory Group, which comprised representatives of Parish and Town Councils, RCC, ReGenco and the MoD, it was still the same; after a number of meetings the only 'concession' was a reduction from just over 3000 to 2215 houses.

The communities that will be affected by development of the SGB site recognise there will need to be some development when the army vacates the site. In NL we have twice surveyed our residents and the definite response has been that if it has to be houses then it should be in keeping with a typical Rutland parish.

I might add that both NL and EW, our parishes cover SGB, are advanced in our NPs: our master planning for the SGB site recognises there will be development but they won't be the same as the RCC masterplan as it now stands.

And does it have to be just houses: there have been plenty of suggestions for alternative uses that might actually enhance an area that is right next to Rutland Water, which I hardly need to point out is a major tourist attraction.

A Center Parcs type of attraction, a Science Park. Blue Sky thinking perhaps but just recall the recent announcement of a film studio in Broxbourne (Herts) with all the inward investment and employment that will bring; is RCC too devoid of imagination to think creatively?

If RCC votes to submit the emerging LP to examination or reapply for the HIF Loan then it runs the risks, well outlined in the report, most likely resulting in the same attritional dialogue and action that have persisted over the past four years.

I think RCC is to be congratulated on its Future Rutland Conversation; a genuine engagement with residents.

Would not a reset leading to meaningful consultations with the communities affected be the best option; which this report emphasises. It is to be hoped that with new councillors, perhaps reflecting residents' opinion of the last four years, a new CEO, who we have found does listen to us, there will be that necessary meaningful and productive dialogue.

This report, which argues for withdrawal of the emerging LP and a new LP, is well thought out and NL is of the opinion that its recommendations should be adopted.

## **8. Question from Jeremy Orme**

This question relates to Agenda item 7 and in particular to the assessment on page 22 of Report 105/2021 of the risks and issues associated with Local Plan Examination in the event that the Local Plan is suspended for Council to reconsider the Housing and Infrastructure Fund ('HIF') Grant.

This assessment attaches a 'High' likelihood to the risk that, on reconsideration, the terms and conditions of the HIF grant remain unsatisfactory for Council.

In accordance with Procedure Rule 28 (4) (d), I address my question to the person presiding at the Special Council Meeting.

I ask; does the person presiding at the meeting agree that a delay of some three weeks before voting on the recommendation to withdraw the Local Plan would benefit Councillors by enabling them to make a better assessment of this likelihood than is possible in the timescale available before the meeting of 1st September?

## **9. Deputation from Richard Hurwood**

1. Do Councillors think the residents of Rutland have had enough time and information to give their opinions on the withdrawal and rewriting of the Local Plan (which might reduce the contentions mentioned at para 2.25 of Report 105/2021)?
2. Can RCC assure us that the Council will robustly protect the County from speculative development in the interim if RCC goes ahead with revising the Local Plan?

3. Are the County Council's decisions to:

a) "gift" the 650 houses at Quarry Farm, (given that para 4.1 of the Statement of Common Ground between RCC and our Eastern neighbours dated December 2020 says: All parties agree that the Statement... will be monitored, reviewed and kept up to date), and

b) decline the HIF grant (I note the option at Para 4.2 of Report 105),

final?

Isn't one partial solution to reverse the decision at (A) and stick to the decision at (B), although I accept that changing either decision might make it easier for a developer to claim at planning appeals/ Local Plan Examination that the Council keeps changing its mind, and might yet again. Would it be a good idea to ask Rutland residents?.

#### **10. Deputation from Richard Camp, Vice-Chairman of Manton Parish Council**

Irrespective of the advice in the recent report from the Strategic Director of Places that the Local Plan should be withdrawn, it is worth reconsidering some of the other reasons why this should be done:

1. The unacceptable size of the proposed St George's Barracks (SGB) development. The controversial Memorandum of Understanding (MoU) between Rutland County Council (RCC) and the Ministry of Defence (MoD) states, accurately, that the adjacent villages 'will be key stakeholders but will potentially be dwarfed by the size of the new community.' The two adjacent villages would surely be unacceptably and permanently swamped.

2. Democracy and transparency. The above MoU between RCC and the MoD regarding SGB redevelopment as well as the gifting of 650 Rutland homes at Quarry Farm to South Kesteven District Council (SKDC) were set up without proper transparency or Council ratification. Neither of these important planning issues nor the 2018 Evolving Masterplan (which was used to support the HIF bid) were subjected to proper public consultation, contrary to RCC's Statement of Community Involvement. 'Commercial sensitivity' has been stated to justify the lack of transparency regarding the content of the HIF bid and the extensive legal and other analysis of its acceptance risk. Furthermore, fifteen Parish Councils or Meetings submitted Representations to the Inspectorate that objected to the proposed SGB development. Only three supported it. Support now by RCC for the submitted Local Plan may suggest a lack of democracy and acceptance of non-transparent process, and further confirm the SGB plans as unsound and not legally compliant (at least in the eyes of many including the Plan Inspector).

3. Excessive housing development in Rutland. The Local Plan indicates that almost 40% of residents commute out of County to work, the majority most likely by car. National research shows that most 'garden communities' become car-based commuter estates. The planned SGB development is thus likely to lead to numerous commuting car trips, there being no clear evidence for employers who are interested in business development at SGB. This and the increased Rutland housing resulting from the 'gift' to SKDC of 650 homes, will risk aggravation of the climate crisis. Rural housing should be more controlled and partly limited to housing for local employees ie 'jobs before houses' in line with the NPPF ("sufficient land of the right types [should be] available in the right places and at the right time").

4. SGB development as a potential threat to the town centres of Oakham and Uppingham. The viability and vitality of these two centres are the subject of a recent report by Firstplan Ltd, who state that complacency on this matter is risky. However, the report makes no mention of the potential adverse effects on our two town centres of a large SGB development. Apart from the attraction of footfall to local SGB facilities, a single large development towards the east may also increase the risk of drawing footfall to Stamford away from our two towns to their potentially serious detriment.

5. SGB infrastructure development. The timing, extent and ultimate cost of this is uncertain which indicates risk. A recent decision confirms that the SGB electricity supply would be via cables in a trench created by excavation of the highway and/or verges from the substation east of Oakham southward via the town bypass and the A6003 (under the new bridge?) to Manton top, then all the way east to SGB. This almost six-mile excavation would be highly disruptive and unnecessarily very costly.

6. Is SGB 'brownfield' (previously developed) land? The golf club opened almost five decades ago and the airfield has been unused by aircraft since that time. It is not justified to target development on obviously longstanding green land (including precious limestone grassland) by using selective interpretation of NPPF principles. Reasoned interpretation of the latter indicates that the airfield and golf course should not be considered as 'brownfield'.

7. It would be of great benefit and lower risk to the County if the submitted Local Plan is withdrawn without delay, and more appropriate re-development of SGB planned urgently. Any suggestion that a 350-home development at SGB would not be viable is highly open to question - there are viable villages of that size in Rutland. The 650-home gift to SKDC should also be revoked