



# Rutland County Council

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Minutes of the **MEETING of the GROWTH, INFRASTRUCTURE AND RESOURCES SCRUTINY COMMITTEE** held in the Council Chamber, Catmose, Oakham on Thursday, 19th December, 2019 at 7.00 pm

**PRESENT:** Miss G Waller (Chair)  
Mr P Ainsley  
Mrs S Harvey  
Miss M Jones  
Ms K Payne  
Mr N Woodley

<b>OFFICERS PRESENT:</b>	Mrs H Briggs	Chief Executive
	Mrs C Traill	Strategic Director for Places
	Mr R Harbour	Deputy Director for Places
	Mr P Horsfield	Monitoring Officer
	Mrs R Armstrong	Principal Planning Policy Officer
	Mrs J Morley	Governance Officer

**IN ATTENDANCE:**

Mr O Hemsley	Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism & Economic Development, Communications and Resources (other than finance)
Mr G Brown	Deputy Leader and Portfolio Holder for Environment, Planning, Property and Finance
Mr E Baines	Councillor
Mr W Cross	Councillor
Mr J Dale	Councillor
Ms A MacCartney	Councillor
Mrs R Powell	Councillor

## **394 APOLOGIES**

Apologies were received from Councillors Fox and Coleman. Councillor Ainsley was in attendance for Councillor Coleman and Councillor Harvey was in attendance for Councillor Fox.

### **395 DECLARATIONS OF INTEREST**

No declarations of interest had been received.

### **396 PETITIONS, DEPUTATIONS AND QUESTIONS**

The Committee agreed to allow all of the questions and the deputations that had been received to be heard even though this was likely to exceed the thirty minutes of allocated time. The Chair reminded Members that following the deputations any questions should be only for the purposes of clarification.

In total, one question with notice, two questions at short notice and seven deputations had been submitted and these are attached to the minutes. They were heard in the following order:

Question with notice

1. Mr Les Allen – resident of Edith Weston

Questions at short notice:

2. Mr Tim Smith – Chairman of North Luffenham Parish Council
3. Mrs Sue Walling - resident of Edith Weston

Deputations

5. Monica Stark on behalf of the Oakham South and West Action Group
6. Vic Pheasant on behalf of Empingham Parish Council
7. Cliff Bacon on behalf of the Campaign for Protection for Rural England
8. Richard Camp on behalf of Manton Action Group
9. Neil Newton on behalf of Empingham Parish Council
10. Gareth Jones on behalf of himself and Julie Gray, residents of Edith Weston
11. John Dejardin on behalf of Wing Parish Council

Question with notice

The Chair directed the question to the Leader of the Council who stated that he would provide a full written response to Mr Allen's question which would be appended to the minutes (see attached) The Chair allowed Mr Allen to ask a supplementary question in anticipation of the expected response. Mr Allen questioned whether the Council would be relying heavily on homeworking jobs, which were generally low paid, to reach the number of 1.5 to 2 jobs per home. In addition Mr Allen felt that as only 30% of the houses would be affordable homes it would be hard to meet this requirement.

Questions with short notice

The responses to the two questions with short notice are appended to the minutes and were provided by officers after the meeting.

Deputations

Members had one question of clarification following the deputation from Mr Camp. Cllr Harvey asked Mr Camp to clarify his comment on affordable housing. Mr Camp

replied that he had highlighted Appendix 39 of the PTTP Chartered Town Planner document in his deputation, which stated that a more detailed and independent assessment of viability was required in relation to delivering a policy-compliant provision of affordable housing, as it showed that more work needed to be done in this area.

### **397 QUESTIONS WITH NOTICE FROM MEMBERS**

There were no questions with notice from Members.

### **398 RUTLAND LOCAL PLAN - SPATIAL STRATEGY**

Report No.190/2019 was received from the Strategic Director for Resources. Mr Gordon Brown, Deputy Leader and Portfolio Holder for Environment, Finance, Planning and Property introduced the report the purpose of which was to provide Scrutiny with the opportunity to comment on a report to be considered by Cabinet on progress with the preparation of the Local Plan.

Mr Brown referred Members to the presentation he had prepared, a copy of which has been attached to the minutes.

During discussion the following points were noted:

- Although there had been numerous comments from those presenting deputations that the decision making was being rushed, Councillor Brown felt that in fact the process had been conducted within a reasonable time-frame. In addition there were several upcoming Cabinet and Council meetings and a further Scrutiny meeting to consider the Local Plan. Councillor Brown re-iterated to Members that he was also available to meet with them to discuss any of their concerns.
- The pre-submission Local Plan would go forward for public consultation to test its 'soundness' (ie. that it was positively prepared, justified and effective, consistent with national policy and legally compliant) before submission to the Government and an independent Planning Inspector for further examination.
- The Strategic Housing Market Assessment that was available on the website as part of the spatial strategy background papers discussed the numbers of dwellings per annum required and gave three numbers;
  - 130 dwellings was the formulaic calculation from Government giving a minimum requirement
  - 160 dwellings was the strategic market assessment
  - 190 dwellings was the potential amount based on the economic data presented.

Officers had opted for the lower number of 130 dwellings although there had been very good reasons for increasing it to 160.

- The evidence from 2018 showed that there was a current oversupply of employment land although there had been market factors that had not allowed those pieces of land to develop. The long term scenario however showed a requirement to provide up to 25 additional hectares of employment land as it was important that the St Georges Barracks development was sustainable. Work would be continuing with existing Rutland employers and a new highly experienced Economic Development Manager had been recruited.

- The Woolfox site was not viable or deliverable on the basis of the information provided. In contrast, evidence for St George's Barracks demonstrated that, with the delivery of the HIF bid, it was viable and justified its inclusion in the Local Plan.
- There was a clear strategy to develop brownfield rather than greenfield sites and the St George's Barracks project met this requirement.
- The Local Plan was approximately a year behind the original schedule because of the submission of the Woolfox proposal at the later stages of the process. As this needed to be given due consideration the timetable had been affected.
- The Chair reminded members and residents that there would be a further Scrutiny meeting and a Cabinet meeting on the Local Plan in January. Both meetings would be held in public, and questions and deputations could be submitted to the Scrutiny meeting.
- Councillor Ainsley questioned whether the Woolfox proposal could be excluded on a sound basis given the developers had expressed a commitment to address the shortfall of information. Councillor Brown responded that the developers had been given a lot of latitude and plenty of time to produce the required information but had failed to deliver it. Officers were confident therefore that there was insufficient information to consider the proposal at this point in time but that did not exclude new information coming forward at a later point.
- It was highly unlikely that the Government Inspector would support two garden community projects going ahead at the same time.
- Officers took the view point that the impact on the Medium Term Financial Plan of the additional council tax collected as a result of the St Georges Barracks development would be positive to neutral. The extra income could be very easily spent on additional services that may be required. An example was given of a family with children being taken into care which could quite easily add £300k to costs.
- The HIF bid was assessed by two sets of consultants. The Ministry of Housing, Communities and Local Government (MCHLG) and Homes England did further assessments and the bid was deemed not to have excess bias. 230 questions were answered to their satisfaction which resulted in the offer of HIF monies.
- Melton Borough Council had been awarded HIF money for their bypass but it was expected that it would be a private developer that delivered it as opposed to the RCC and MOD relationship which was a public/public partnership. Importantly RCC would have control of the money ensuring that it could influence the MOD to deliver key aspects such as sustainable transport and a dementia friendly environment.
- Councillor Begy asked what the implications would be for Rutland if the Council did not engage with the MOD regarding the site. The MOD had clear guidance that brown field sites should be sold off for funding and to deliver housing. There had been 6 sites that the MOD had just handed over to Homes England who would look to increase the number of houses and maximise the capacity of the site.
- Class Q developments, farm buildings and windfall building had been excluded from the objective need assessment figure.
- Councillor Baines felt that organic development and incremental growth of the neighbouring villages to St George's Barracks would be preferable to a new garden community
- There was no legislation on the requirement for jobs when developing a garden community and if Homes England were to develop the site they would argue that no jobs would be needed. At Poundbury, Dorset they had achieved 1.25 jobs per household.

- Councillor Cross urged the Committee not to send the report to Cabinet for 'rubber-stamping' and instead ask for more evidence to be placed before them. The scale of the proposed development had prompted a large number of Members of the Public to attend the meeting in order to find out more information. There were existing Rutland villages that were unsustainable and it should be those that were being developed in preference to building a new community.
- In response to Councillor MacCartney's question on whether the extent of the risk has been adequately published Councillor Woodley felt that they had and that the proposals had been through extensive evaluation.
- If the Council did not have a sound Local Plan in place then they were at risk of developers taking advantage. The last Plan was published in October 2014 and as they did not last longer than 5 years the Council was already at risk.
- Councillor Brown reminded the Committee that the meeting was about the broad spatial strategy. Individual sites such as the Brook Road development should be considered at the next Local Plan scrutiny and Cabinet meetings in January.
- 2,215 was the total amount of dwellings for the site across the whole timescale.
- Accommodating the General Election had meant that meetings had been delayed and rearranged. All newly scheduled meetings were shown on the Council calendar on the website and advertised on the Forward Plan. Individual meeting notifications would now be sent out to all Councillors.
- Councillor Harvey referred to Justin Gardner's Strategic Housing Market Assessment 2019 and the issues of affordable housing that it highlighted. Rutland was classified as an affluent area yet 50% of households earned less than £40k. Taking these earnings as a basis for mortgage multiples, most of these households could only afford houses that cost in the region of £150k. As there were hardly any available houses at this price point many residents would be unable to buy their own home. The Council must be seen to be encouraging families and young people to stay in Rutland by providing and promoting affordable housing.
- Councillor Brown reiterated that he was on record saying that the Council must deliver houses that young people and families could afford and that included affordable shared ownership. There would also be an element of social renting through the Council registered provider which would offer below market rent social housing.
- Within Rutland there were a number of jobs for young people that were not well paid and the Council needed to be pushing for higher end employment opportunities.
- In response to Councillor Oxley's question on how much information flow there was between neighbouring counties, the planning officer confirmed that the Council had a duty to collaborate with neighbouring Councils on housing and employment needs as well as issues such as transport and biodiversity.

## **RESOLVED**

1. The Scrutiny Committee considered the assessment of the scale of development to meet identified needs as set out in Appendix 1 and commented that they had a particular concern about the affordability of housing and employment opportunities for the young. Councillor Woodley raised an issue on behalf of Councillor Razzell and requested that the provision of sports facilities be considered in the Spatial Strategy.
2. The Scrutiny Committee considered the assessment of proposals set out in Appendix 2 regarding the distribution of development including the principle of

establishing a garden community in Rutland as an appropriate amendment to the Spatial Strategy.

3. The Committee considered the assessment of proposals to establish a garden community in Rutland as set out in Appendix 2 and commented that that Cabinet should assess the risk of the Woolfox proposal going forward.
4. The Scrutiny Committee considered the Local Development Scheme as set out in Appendix 3.

### **399 EXCLUSION OF PRESS AND PUBLIC**

Council resolved to exclude the public and press from the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972, as amended, and in accordance with the Access to Information provisions of Procedure Rule 239, as the following item of business was likely to involve the disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

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The Chair proposed that the meeting be extended by 15 minutes in accordance with Procedure Rule 58 and this was unanimously agreed by the Committee.

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### **400 HOUSING INFRASTRUCTURE FUND (HIF) BID**

Report No.191/2019 was received from the Chief Executive. The Leader, Councillor Hemsley, introduced the report which updated the Committee on progress in relation to the Housing infrastructure Funding (HIF) Forward Funding for the St George's project.

During discussion the following points were noted:

- It would be very clear in the contractual negotiations that the financial risk for any contractual overruns would lie with the MOD.
- If full Council did not approve the report then the Council would not have a sound Local Plan and that would put it at risk.
- If a Local Plan was not agreed and delivered then eventually the MHCLG (Ministry for Housing, Communities and Local Government) could take over all the planning decisions for the Council.
- Councillor Brown confirmed, for absolute clarity, that the St George's Barracks development was only viable if the full amount of the HIF bid was accepted.
- If the HIF monies fell away then the whole masterplan would have to be revisited as building any less than 2200 houses was not viable.
- Because of the delays to the Local Plan, a strategic advisor, Montague Evans, had been appointed to work with the developer to bring forward the planning process.
- Homes England wanted to be satisfied that the model to procure a developer for the site was robust.
- It was important to remind Members that much of the site would be untouched but if costs to clear up the site were more than expected then the costs would fall to the developer.

- The cost of the majority of officer time spent on the project and a newly appointed project manager would be paid from the £150k grant received from the Gardens Communities Fund. This was in addition to the £130k funding received to help put together the business case for the HIF monies.
- A £100k of Council money had been allocated to delivering the St George's Barracks Project and it was not anticipated that this budget would increase.
- There would be an impact on costs for the planning team when it came to processing the planning application but the MOD would pay the monies up front to allow them to deliver this.

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At 9.45pm a further 15 minute extension to the meeting was unanimously agreed.

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- Councillor Baines asked whether, if the Council were in a position to reject the HIF bid, it would be possible to present a viable local plan. Officers confirmed that this would entail revisiting sites that were previously unacceptable and indeed some of the sites had fallen away completely.
- The HIF bid was carried by only one vote when it went to Council last time. Councillor Cross felt that a plan was deliverable if Members were minded to do so and that if HIF was agreed then it effectively meant that St George's Barracks was approved.
- Allowing the HIF bid to go through would allow the Council to be in the driving seat and build something that Rutland would be proud of.
- The Council expected that they could meet all the conditions of the HIF bid and there was nothing that put the Council at risk.
- Councillor Waller, the Chair of the Committee, felt that there were still a number of unanswered questions and had grave concerns about what the Council was signing up to. Councillor Waller would want to see a firm legal agreement between Homes England, the MOD and the Council.

## **RESOLVED**

That the Committee give their support in principle to recommend to Council acceptance of the £29.4m Housing Infrastructure Bid. Councillor Waller abstained from the vote.

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Chairman closed the meeting at 10.00pm

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GIR Scrutiny Committee meeting on Thursday 19 December.

Dear Committee Members,

I wish to raise a question to the Committee regarding employment opportunities to match the ill-judged plan to consider 2285 new dwellings at St George's Barracks. The Government legislation dictates that jobs should be made available before any consideration to house building is contemplated. Having had considerable experience in this area with a large national Employers' Organisation with a regional base until recently in Rutland (6,500 member companies nationally), I can advise that nurturing and encouraging business into the area takes considerable time and effort to attract international and UK businesses to move to the area. Government and local authority grants and easement on business rates and help with training and language institutions are all necessary to enable this to become a reality. The lead time for this to be brought to fruition can take years. Apart from some feeble statements about the Ashwell Prison and King's Centre projects which have hardly increased employment numbers by more than a few score at most then there has been little evidence provided to date that RCC and its consultants have taken any steps to tackle this?

My question is therefore what evidence can RCC show that they have taken measures to encourage employment into the area in the numbers that Government would demand to ensure that the Rutland growth plan satisfies the legislation that sufficient employment opportunities should be made available before any new dwellings are built at SGB? If RCC say that these plans have been made then could they please identify where that evidence can be found and why in all of the documentation provided for councillors and the public this was not made more accessible?

If no such plans have been made, then can the Scrutiny Committee please advise how they will ensure that they hold RCC to account to ensure that this is put in place and if they cannot and RCC does not make such plans then can RCC report how they intend to persuade any Inspectorate of their current or revised Local Plan or any scrutiny by Government Departments that they are entitled to proceed with the SGB Plan as it currently stands?

I await your early responses.

Les Allen

[lesallenhr@gmail.com](mailto:lesallenhr@gmail.com)

## Response

The Council is not aware of the legislation referred to by Les Allen which “dictates that jobs should be made available before any consideration to house building is contemplated”.

Our approach in the Local plan will be compliant with national planning policy and guidance. In particular, relevant sections of the NPPF are:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure); and
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

“Chapter 6. Building a strong, competitive economy

80. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

81. Planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and

d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

82. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

Our approach in the Local Plan is supported by evidence on employment land which is available on the Council's website.

In respect of the St George's proposal we have commissioned a high-level piece of work to inform the proposed Growth Funds bid. This has reinforced the RegenCo work on behalf of the MOD which showed that there is a latent demand within Rutland, primarily for light industrial space (B1) in the first instance with the potential for office space in the future (B1).

There is positive market sentiment amongst agents for bringing forwards an employment zone as part of the St George's garden community and it is considered that "St George's is very well placed to become a central location for rural innovation over the Local Plan period"

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The Department for Communities and Local Government in its 2016 guidance on Locally-Led Garden Villages, Towns and Cities; Local leadership and community support stated in paragraph 17.

'New garden villages should have the backing of the local authorities in which they are situated. We expect expressions of interest to demonstrate a strong local commitment to delivery. They should also set how the local community is being, or will be, engaged at an early stage, and strategies for community involvement to help ensure local support'.

If the Local Plan is adopted how is it proposed 'to demonstrate a strong local commitment to delivery' of a Garden Village or even 'Principles of a Garden Community'?

Tim Smith, Chairman of North Luffenham Parish Council.

#### Response

The application submitted by Rutland County Council in response to the prospectus referred to above with respect to the proposed establishment of a garden community Village on the site of St. George's Barracks was approved by the Government in July 2019. It is therefore reasonable to assume that the Government were content in making the decision that the County Council had adequately responded to the issues raised in paragraph 17 of the prospectus.

In terms of the Local Plan, then it is proposed to set out detailed policies with respect to development and delivery principles and development requirements for the proposed garden community at St. George's which will address the points raised in the question.

A key consideration here is that the delivery of St George's Garden Community will include a mechanism for securing the establishment of appropriate and sustainable long term governance and stewardship arrangements for community assets including green space, public realm, community and other relevant facilities.

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## Question - Sue Walling

### Rutland Local Plan - Spatial Strategy Meeting 19<sup>th</sup> December 2019

There appears to be a discrepancy in the Distribution of Development Background Paper which may influence you as Scrutiny Committee Members and Councillors when comparing the two sites, Woolfox and SGB.

Within the **Background paper: Distribution of the Development and summary assessment of Garden Community proposals - Appendix 2 - Extract from SA/SEA Technical Annex - site assessment for Woolfox and St George's Barracks**, it states that Woolfox is within an SSSI IRZ for all developments and SGB is not within an SSSI IRZ, yet, within the Sustainability Appraisal for the Rutland Local Plan 2016-2036 on page 21 - its clearly states that:

*'It is important to note that areas within the boundaries of St George's Barracks and Woolfox also overlap with SSSI IRZs for one or more of the development types likely to be taken forward at these locations'.*

For those that are unfamiliar with the term 'SSSI IRZ'- it relates to Impact Risk Zones around each SSSI according to the sensitivities of the features. They specify the types of development that have the potential to have adverse impacts at a given location

Has this discrepancy been noted by the Scrutiny Committee members and investigated? It is important that the sites are compared using accurately information before making any recommendations to Cabinet. Thank you.

Sue Walling

### Response

Sue Walling is correct, St George's Barracks site does lie within the SSSI IRZ. There was a discrepancy in the St George's proforma in the Technical Annex regarding the Impact Risk Zone. Otherwise, having checked again, the references elsewhere in the SA reporting regarding this are correct and clearly acknowledge that St. George's Barracks is in an SSSI Impact Risk Zone. This is therefore relevant to the following three categories:

- Large non-residential developments outside existing settlements/urban areas where footprint exceeds 1ha.
- Residential development of 50 units or more.
- Any residential development of 50 or more houses outside existing settlements/urban areas.

I confirm that the Technical Annex will be updated prior to Regulation 19 consultation.

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**Deputation to the Special Meeting of the Growth, Infrastructure and Resources Scrutiny Committee  
by Oakham South & West Action Group (OS&WAG) 19<sup>th</sup> December 2019 re the potential allocation of Brooke Road as a development site.**

**Deputation to be delivered by Monica Stark, Co-ordinator, OS&WAG**

**Wording:**

**Introduction:**

- We believe that contrary to NPPF section 109, due consideration has not been given to the impact of the level crossing, traffic congestion and highway safety that a development on Brooke Road would have on this part of Oakham.
- Moreover, now that otters have been confirmed as resident in the brook that flows through the site, to build here would be counter to section 170 of the NPPF.
- This site was rejected from the Local Plan in 2008 on the grounds of congestion and the impact of the railway line. With a 22% increase in traffic since then, how can this site be thought appropriate now?

**Level crossing:**

- Rated 'high risk' (4/13) by Network Rail due to the nature of the approach of the road from the town side and the bend in the track.
- John Hares, Network Rail, Level Crossing Manager, stated in 2019:

*"a development of this size (139 houses proposed by Taylor Wimpey) would increase the risk of road traffic "blocking back" onto the crossing, ie "being caused to remain stationary"*

- We have witnessed examples of this which have been harrowing.
- The Planning Inspector of the rejected proposed Allotments development on Brooke Rd, stated that:

*"Any increase in traffic as a result of the development would be likely to exacerbate this current situation which would not be in the best interests of highway safety".*

- With 81 trains per day, the barriers are down on average 20 minutes in every hour.
- This is set to increase drastically within the Local Plan period when they "re-signal" the line after 2028.
- During OS&WAG's photographic survey in July this year there were 4 incidents in 4 days when traffic did not dissipate, meaning did not clear before the barrier came down again. This is used as a test of "severe" in NPPF terms.
- During the survey, queues reached up to 54 cars backing up Welland Way, blocking Derwent Drive, Brooke Rd and Penn Street.

**Congestion**

- OS&WAG's photographic "snapshot" over a 10 day period in July graphically illustrates the extraordinary levels of congestion on Brooke Road, not just at peak times.
- We estimate a further 350-400 cars from the new development onto this narrow congested road, based on RCC's "minimum parking standards" and the Government's own "Parking Requirements".
- The recent Broad Oaks Manor development on Brooke Road of 28 units with parking for 35

- cars, already has cars and vans parked on the verges of their access road.
- The McCarthy & Stone Development of 58 flats on Penn Street with 31 parking spaces, adds to the congestion, not only through staff and residents, but with frequent deliveries by van drivers.
- We all live with the gridlock that can occur when the crossing is down, but for the emergency services (2 of whom are on our committee and have written a paper on the problem), the problems are immense and life-threatening.
- This is a particularly congested road as Brooke Road is simply a tarmacked former lane going to Brooke village, designed for an occasional horse and cart. With its historic ribbon development of Victorian and Edwardian houses (not built with drives), it is effectively a single track as it is completely parked up on both sides.

### **Road Safety**

- OS&WAG's survey of Brooke Hill Academy this year, showed that 86% of parents were concerned about the potential increased traffic and the safety impact that that would have for their children.
- Putting another access road off Brooke Road into the new development would only exacerbate the danger.
- The volume of cars coming in and out of the development would effectively make movement along Brooke Road impossible at school times.
- I never want to hear the heart-wrenching screams of the mother who thought that her son had been killed when he was knocked down outside our house in March this year on the way to school.

### **Bio-diversity**

- The site has a rich diversity of species, but now with confirmation of the legally protected otters in the brook, building would be counter to The Wildlife and Countryside Act and the Natural Environment and Rural Communities Act by disturbing their habitat.

### **Delegation of 14:**

Bridget & Mike Hodgson	187 Brooke Rd		
Jenny Cross	108 "	"	"
Chris & Charles Dukes	171 "	"	"
Julie Taylor	161 "	"	"
Sally Andrews	175 "	"	"
Geoff Oval & Kerry Quy	141 "	"	"
Sarah & Andrew Flitcroft	169 "	"	"
Jackie Gregory	116 "	"	"
Pearl Garfoot	185 "	"	"
Nigel Stark	157 "	"	"

19-12-19 SCRUTINY – Local Plan - Deputation by Vic Pheasant, Empingham resident

## VFM and TRANSPARENCY

All Public Servants, employed or elected, have a duty seek VFM and to regularly review progress to ensure VFM is achieved.

The role of SCRUTINY is a crucial check and balance for the effective delivery of RCC services.

The SGB proposal, with MOD as the developer is not viable without another Government Department's HIF funds to pump prime the development.

***Why not simply give MOD the funds and negate their need to make money from this site ?***

Since signing the MOU with the MOD in 2017 RCC *seem* to have pursued only this one option to the exclusion of all others including continuing with Rutland's tried and tested policy of balanced development in two towns and villages in this "rural" county.

***Is there a significant risk of unintended consequences to the whole county, and region of poor, or hurriedly thought through proposals ?***

We appreciate that RCC may have been constrained in issuing its lengthy (450 pages) report late on Friday afternoon for consideration and assessment in week (less for the public) by the Scrutiny Panel.

**But it is not the best advert for open government and transparency.** The election may also affect Government priorities.

***So why rush this through at this stage ?***

***Has RCC 's self-imposed deadlines to get something done resulted in failure to communicate effectively with the entire community ?***

***We trust therefore that in considering these papers the Scrutiny Committee will comment on whether RCC records clearly demonstrate that the requirements to achieve VFM and transparency have been met.***

#### HIF FUNDS and THE LOCAL PLAN

The need for certain information being commercial in confidence is appreciated. But it does mean the public cannot know the finance RCC sought from HIF and for which essential infrastructure improvements, or the planned timing for those improvements.

***We therefore trust the Scrutiny Committee will fully consider the risks to RCC in accepting the HIF funds on the terms and conditions offered. The Panel's questions/points might include :-***

***whether they have been afforded all the necessary papers and sufficient time to examine them,***

***in the event of underspending on one improvement would savings be available to fund other infrastructure improvements :-***

***(a) included in the RCC bid and /or***

***(b) not included in that bid ?***

***whether the HIF funds can be increased to meet overspends, eg on improving the electricity supply, and whether there is any risk that RCC would be expected to meet those costs ?***

***whether HIF funds are only for “essential” infrastructure improvements and not for example to provide a new primary school when the current Edith Weston School is seriously underutilised, is on a large site and capable of expansion ?***

RCC has heralded and publicised the initiative of the MOU with the MOD. The extent of material in the public domain would leave the contracted consultants with little doubt as to RCC preferred course of action.

***Did this influence the consultants reports ?***

***TO REASSURE THE PUBLIC the Scrutiny Panel should also check that there is an audit trail demonstrating that RCC properly applied the public procurement requirements for purchasing the services of consultants including***  
***the selection of bidders,***  
***their professional competence and experience,***  
***any previous association with RCC, RCC’s partners, or the proposed developments,***  
***that all relevant information was included with the invitation to bid,***  
***that any further information sought by any bidder was provided to all bidders at the same time, and***  
***that any discussions with the consultants were duly recorded by RCC.***

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## Deputation to GIR Scrutiny

19<sup>th</sup> December 2019

### Assessment of proposed Strategic Development Sites

#### St. George's Barracks and RAF Woolfox

From a reading of the reports commissioned by Rutland County Council and released for public consideration on Friday 13<sup>th</sup> December 2020, **there are several important statements arising**. These statements are made in many different areas within the reports, all making substantially the same points. These are.

1. Both sites are reasonable options which need to be appropriately considered
2. A great deal more independent validation work and additional evidence is required to establish whether either site could be considered viable, justified, effective and consistent with National Policy.
3. The confirmed Objectively Assessed Need for Rutland lies between 127 dwellings per annum and 160 dpa. Any higher figure does have a considerable degree of uncertainty attached, given that it is linked to a forecast of economic growth.

#### What conclusions should be drawn from this clear advice?

**Firstly:** If RCC decide to allocate the SGB site for development in the Regulation 19 consultation document and to exclude the Woolfox site, they will be inviting significant legal challenges at the forthcoming local Inquiry before a Planning Inspector. It seems highly likely, from the evidence contained in the report pack, that a challenge would be successful.

**Secondly:** If RCC decide to allocate both sites in the Regulation 19 consultation, and therefore if St George's and Woolfox both go ahead following the Local Inquiry, that would mean over 400 houses per annum or, put another way, over 6,800 new dwellings within 17 years (till 2036) increasing Rutland's population by 14,000 or 36% over 17 years.

**Thirdly:** In view of the extensive additional validation work and additional evidence that is required over the whole range of considerations relevant to these development schemes, the legal challenges to be presented to the Inspector at a Local Inquiry might be considered highly likely to be upheld.

#### What Course of Action might be considered by the Council?

- a) It would appear that **acceptance of the HIF bid should be delayed** until the many uncertainties concerning whether SGB is justified, effective and consistent with National Policy are fully resolved by further independent viability studies

- b) **To exclude both sites from eligibility for development** in the forthcoming Regulation 19 consultation, thus allowing time for further independent research and validation over the next few years, during which time optimistic forecasts of economic and employment growth can be tested. Both sites can remain on the table for consideration at the next Local Plan Review which might perhaps be expected in about 5 years time – giving sufficient time for the further necessary validation work to be thoroughly carried out.
- c) As it would appear that once planning permission has been granted for a site, the LPA have no control over when development starts nor of the rate at which it progresses, if and when the time comes for RCC to allocate land on these sites for development **only a very small proportion of the site should be released for development at any one time**, in order to ensure that development cannot exceed the rate that is in conformity with and within the OAN for Rutland and allows for other development in Rutland, all within the OAN range.

C J Bacon

Member of CPRE Rutland.

**17<sup>th</sup> December 2019**

**END**

**Proposed Deputation by Richard Camp, for presentation at the meeting of the Growth, Infrastructure and Resources Scrutiny Committee on Thursday 19<sup>th</sup> December 2019.**

I have looked in some detail at the Spatial Strategy Background Papers which are being used to inform the preparation of the Local Plan update report.

**Comments on PTTT Chartered Town Planner document dated August 2019, concerning Assessment of Proposed Strategic Development Sites at St George's Barracks and RAF Woolfox**

1. Section 5.142 of the PTTT document recommends that, given the significant financial implications of delivering affordable housing and the implications for site viability, an independent assessment of the viability implications is recommended. In this respect, Appendix 39 of the PTTT document confirms that a more detailed and independent assessment of viability is required in relation to delivering a policy-compliant provision of affordable housing.

2. Section 6.12 of the PTTT document indicates that comprehensive Landscape Assessment and Landscape Visual Impact Assessment of St George's Barracks (SGB) has been submitted and broadly indicates that development could be satisfactorily assimilated into the landscape and that the potential impacts are capable of being mitigated. However, the PTTT document states that the Local Planning Authority should commission independent evidence from a suitably qualified and experienced professional to confirm whether the findings of the submitted reports are robust. This view appears to be supported by the document of **Bayou Bleuenvironment of August 2019** which provides advice to Rutland County Council on the Landscape Visual Appraisal by fabrik of April 2018.

3. Section 6.15 of the PTTT document states that analysis of transport assessment is beyond the skill-set of the author and recommends that independent assessment of the submitted transport evidence for SGB should be undertaken by a suitably qualified and experienced person and that this should determine whether the submitted transport assessment provides a robust and proportionate evidence base. In this respect, RCC has commissioned an **SGB Transport Assessment Review by Amey Consulting**, which is dated **July 2019**. This is a desktop review and a site visit was not undertaken. In section 3.4 of this report it is stated that traffic counts carried out by Campbell Reith in October 2017 (and upon which the most recent transport assessment was based) are acceptable.

*I disagree with this conclusion. A Manton Action Group analyst has reported that traffic counts taken in October 2017, which is outside of the tourist season and thus not relevant to some five busier months of the year, cannot be used to support a reliable transport assessment. A more relevant transport assessment is necessary.*

4. Section 6.18 of the PTTT document, in relation to Habitat Survey, states that Natural England will need to confirm that they are satisfied that the submitted evidence is proportionate and robust. In addition, the Habitat Regulation Assessment for St George's will need to address potential impacts on Rutland Water arising from the options.

5. Section 7.10 of the PTTT document confirms that some of the technical evidence such as viability, transport and landscape character at SGB require independent assessment by suitably qualified and experienced professionals in order to confirm the robustness of the evidence.

**CONCLUSION: IT APPEARS ESSENTIAL THAT ACCEPTANCE OF THE HIF GRANT BY RCC AND THUS FURTHER DEVELOPMENT OF THE LOCAL PLAN SHOULD BE DELAYED UNTIL THE UNCERTAINTIES DESCRIBED IN SECTIONS 1-5 ABOVE ARE RESOLVED BY COMPLETION OF FURTHER APPROPRIATE WORK.**

**AECOM Interim Sustainability Appraisal for the Rutland Local Plan 2016-2036. July 2019.**

On page 24, paragraph 3 it is stated that Edith Weston and North Luffenham are relatively small settlements and predominantly rural in character. Therefore, options which seek to deliver a larger sized garden settlement at SGB are more likely to remove a significant proportion of the rural gap between these two settlements, impacting upon their distinctiveness. *This questions the wisdom of a large development at SGB.*

On page 24, bottom paragraph, it is stated that development of the scale proposed for SGB 'has the potential to negatively contribute to the special qualities of the Landscape Character Areas.' *Again, this questions the wisdom of a large development at SGB.*

On page 27, paragraph 2, it is stated that the delivery of higher growth in the larger towns of Oakham and Uppingham through Options 1, 2 and 4 is likely to better support the use of sustainable transport modes than the other options, given that residents have good access to local services and facilities. It is also stated that directing growth to the main, most sustainable settlements through Options 1, 2 and 4 will help to reduce reliance on the private vehicle, having a positive effect on climate change mitigation. Additionally, it is noted that Oakham includes the only railway station in the county - which provides direct links to the east coast main line, Stansted Airport, Birmingham, and a limited twice daily service to London St Pancras. Increased development at Oakham is therefore likely to lead to positive effects in terms of encouraging the use of sustainable transport, providing sustainable access to employment, services and facilities outside of the county. *Again, this questions the wisdom of a large development at SGB. I could find no statement about the desirability of higher growth and thus increased footfall in Oakham and Uppingham, which would help to diminish the decline of high street shops.*

PTTP section 5.6 indicates that it is reasonable to assume that only around 1,200 houses could be delivered at SGB during the plan period, ie up to 2036. *Reading page 29 and onwards of the AECOM document has led me to suspect that the relatively slow delivery of 1200 homes at SGB up to 2036 would leave new residents 'likely to be reliant on the car to access a greater range of services and facilities on offer at the two main settlements' and possibly to a level of isolation as the new SGB development proceeds and before full facilities are available.*

*The Amey document also notes the distance of strategic roads from the SGB site and the current lack of options for other modes accessible from the site. Also applicable to SGB would be junction over capacity, HGV traffic and the need for mitigation measures, again questioning the advisability of a large development at SGB.*

Richard Camp  
Vice-Chairman, Manton Parish Council  
14 Priory Road, Manton, Rutland LE15 8ST

DEPUTATION BY NEIL NEWTON ON BEHALF OF EMPINGHAM PARISH COUNCIL  
SPATIAL STRATEGY

The documentation on the Spatial Strategy released late last Friday is a six hour read, with a ridiculous timescale for the public to absorb and make any input to this meeting. The vast majority of residents will be totally unaware of its existence, but it is part of a process that will have a major impact on their future living environment.

As a pre-cursor to consultation on the Local Plan, EPC do not see this as an example to be repeated, either as to content and presentation or timescale.

The 12 options detailed in the Spatial Strategy document with umpteen variables considered, is essential background reading for the truly committed and the professionals, and will be an essential part of the quasi judicial process; but to the average person it is both unintelligible and a disincentive to engage.

The 12 options can readily be condensed into two major themes;

- Do we wish to exceed the Government housing targets for Rutland by introducing one ( possibly two) major new settlements into Rutland, with minimal growth in our existing towns and villages; or
- Do we want to continue with the strategy very widely endorsed at the 2017 Local Plan review, which was to meet Government targets by the gradual expansion of Oakham ,Uppingham and the larger villages, without any new major settlement.

The wording of the two alternatives might need fine tuning .Both are totally viable and supportable by evidence, and are easy for the general public to understand. There are advantages and disadvantages to both.

To stretch the argument further, but in a genuine attempt to encourage participation without confrontation, we would also put forward the following suggestion.

It is obvious that the leadership of the Council currently favour a major settlement at St Georges Barracks from past comments and reports, whilst recognizing this will be subject to examination and consultation.

It is equally apparent that a significant number of Parish Councils, and a significant number of residents witness the SGB consultation, are in favour of continuing the policies agreed in the 2017 Local Plan review, with future housing development continuing to be concentrated on our existing settlements.

Let each side make the case for their "preferred" option in easily digestible language in a short format. To be distributed and/or argued in public meetings. In this way by the time the Local Plan gets to the Inspection stage there could be a much better indication of the preference of residents, and a much larger participation than would be the norm from a lengthy jargon filled technical document.

**Deputation:** Gareth Jones - 1 Tyler Close, Edith Weston, Oakham, Rutland, LE158EX.  
Julie Gray - 59 Weston Road, Edith Weston, LE158HQ

**This deputation is about governance, decision making and scrutiny capability related to the Spatial Strategy and HIF.**

Out of every crisis and policy failure comes intense scrutiny. The Council is currently in an 'incipient' crisis and has itself identified the strategic risks of medium-term funding and loss of confidence. It is widely perceived that the Council has failed to listen to Rutland residents over the local plan house number requirements and the extent of St George's Barracks development. This is likely to lead to crisis of confidence in the Council, and it's leaders at some stage, if the current trajectory is followed.

**Lack of time for scrutiny.** It seems that there is a 'democracy deficit' in that, for example, major issues like the Spatial Strategy and HIF papers are produced only days before scrutiny meetings, leaving little time for them to be properly considered. If this is deliberate, it is devious and not transparent, if it is not deliberate, then it is extremely poor practice and highly inconsiderate given some of the issues will impact Rutland for the next century.

Proper time must be allowed for scrutiny to be effective. Sufficient time for reflection and the right level of evidence review must be provided, and for major issues competent scheduling and programme management are needed. The current scheduling is not fit for purpose.

**Transparency deficit.** In addition, to extremely rushed document access, there is the issue of transparency. There is something fundamentally wrong when we, the residents of Rutland, have to complain or submit Freedom of Information requests for basic documents.

Having to fight for access to the MoD and Rutland County Council MOU is an example. Also documents such as the HIF submission and detail of where our public money is to be allocated is not transparent in anyway at this time.

It appears that non of the HIF funding documents are in the public domain and the Assurance Framework that comes with the HIF is not available. Also depending on what you decide in Item 6 – we will not even be able to hear about it.

The grounds for refusal of a freedom of information request has been given as commercial sensitivity. You can redact the numbers, but everything else should be able to be seen by the public, it will not impact contracting. In fact, in item 6 - tonight you can still redact the numbers, and we can hear what the executive is planning.

**Programming and risk.** Apparently, there is no master phased or staged programme document for decision and scrutiny, which is essential to break up risks in different

phases. If you have these documents they should be made available publicly. If you don't have them you need a coherent staged plan to manage risk and allow proper time for scrutiny as risk are different in different phases.

**Not being pushed.** Let me be clear, if appears that the executive is rushing you and is less than transparent either by design or by lack of planning competence. If you do not have sufficient time, skills or determination in your role, you will continue to erode the public's confidence in the Council This will push your 'lack of confidence' risk higher up the risk matrix, until it will become a hazard. We rely on you.

**Confidence starting point.** You should also realise you are starting at a low point for confidence. Village communities having been presented with a sewn-up deal on the MOD/RCC MOU and garden village, which Rutland does not need. The voting public do not like to be dictated to and particularly by non-elected officials. The national mood of distrust of elected bodies and civil servants is your starting point. Democracy has changed with information access. Transparency is essential to effective scrutiny. in Northampton decision making weakness led to the appointment of Independent Commissioners. We do not want a scrutiny failure here.

**So what.** So, in summary, these issues give rise to extremely serious concerns over the way decision-making, risk management and scrutiny are taking place within our Council. Failure to address these issues and have effective culture and mechanisms in place, will lead to further loss of confidence. You are relying in you fix these issues.

**Your answers.** We, therefore, suggest that the Committee note our serious concerns and review the issues we have raised, and that the Principles of Good Scrutiny are applied. For the scrutiny committee, we would like YOU to have answers:

- How does the Committee feel that is equipped to meet the principles as defined in the Centre for Public Scrutiny – The Good Scrutiny Guide?
- What information or disclosure do you need to be able to make a judgement on our behalf, as to whether the matter before you is sound, and is being considered in a timely (i.e. not rushed or 'pushed through') manner? If you are being rushed will you push back?
- What 'tests' will the Scrutiny Committee devise and apply in order to evaluate the work on HIF risks, assurance framework, scenarios for financial risk and liabilities for accepting the £29 million of public HIF money? *(for example: is the housing number need proven, on what evidence? What do the public think? What has consultation proven? Do you have enough information on risks and possible consequences? What are the success criteria, programme and timing, the suitability of project management objectives? Are the right leadership and skill level of those appointed in place?).*
- Lastly and most importantly, if the cultural conditions for effective scrutiny are not in place, will you do what is right and give us confidence by fixing it, or will you resign from the Committee?

Thank you.

## Sustainable employment

A key element, at the centre of the St George's Barracks proposal, is the importance of delivering a significant employment offer as an integral part of the development. How will Rutland County Council ensure that this is properly sustainable, in that a large proportion of the jobs created will be occupied by local residents? The current situation clearly stated in your reports shows that 60% work outside of Rutland. It is not more likely that there will be 2 sets of journey to work flows - from residents travelling from St Georges Barracks to jobs beyond Rutland and workers coming in to take up the new jobs created?

John Dejardin

Vice Chairman

Wing Parish Council

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Rutland  
County Council

# Rutland Spatial Strategy- Scrutiny briefing

## 19th December 2019



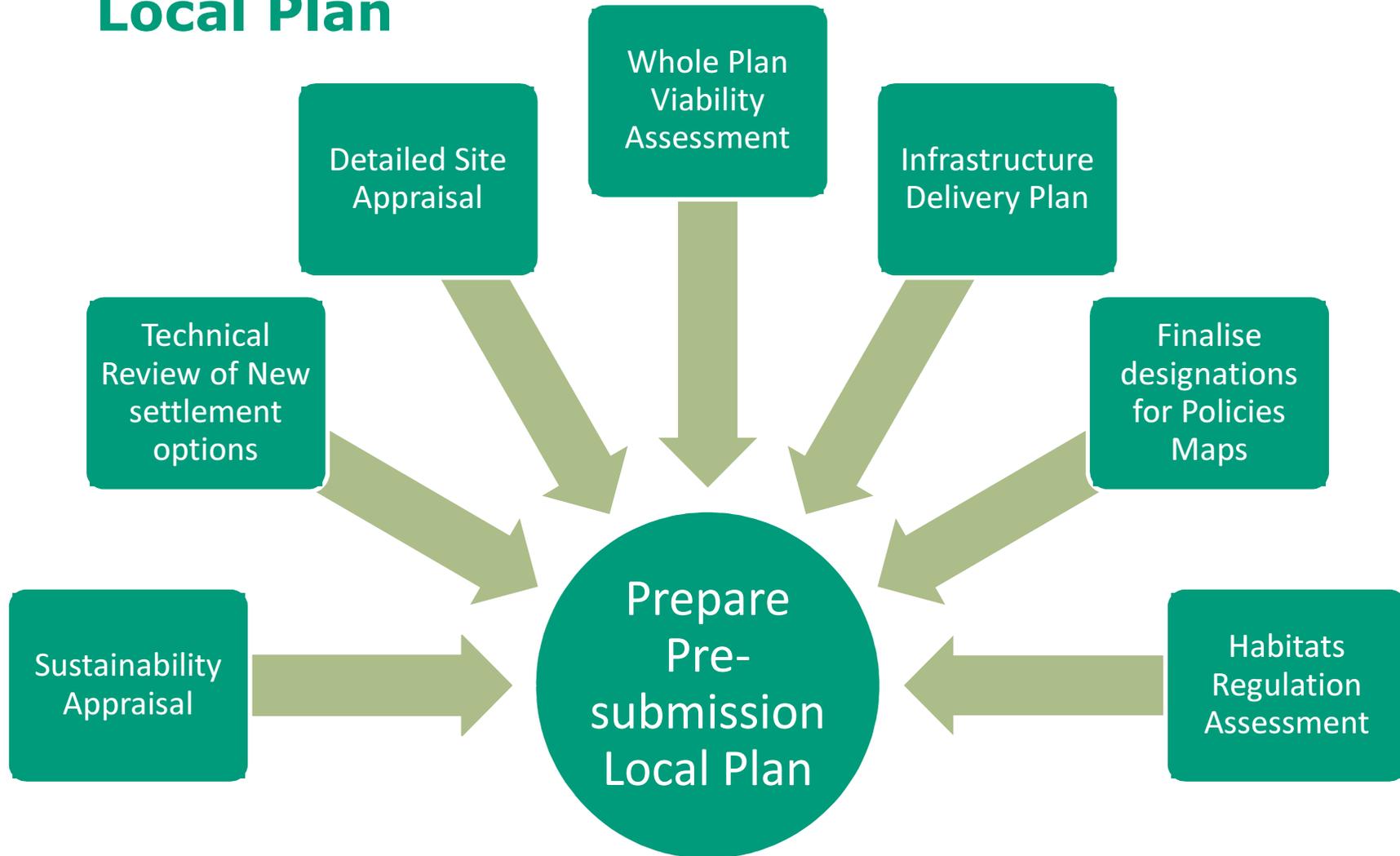


## What Cabinet Report will cover:

- Quantum of development proposed in the Local Plan
- Distribution of development
- Scope for inclusion of a garden community within the spatial strategy
- Assessment of proposals put forward for a new garden community
- Timetable



## Pre-Submission Local Plan





## Key considerations

The plan must :

35

- Be “sound” - positively prepared, justified, and effective, consistent with national policy and legally compliant.
- Be 'an appropriate strategy', and not 'the most appropriate strategy' as set out in the previous NPPF.



## Consideration of housing requirement

- NPPF 2019 states - need to apply the Government's standard calculation - LHN – which gives a rounded minimum requirement of 130 dwellings per annum....” unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals”.
- Recommendation to apply a buffer of 25% to the LHN figure to allow for contingency, market signals, affordability considerations.
- Working to SHMA minimum requirement of 160 dwellings p.a.



## Cabinet consideration of employment land requirement

- 2018 evidence update shows short term take up scenario indicating an existing over-supply of employment land in Rutland
- However long term scenario shows requirement to provide up to 25 additional hectares of employment land.
- Consultants conclude: "Rutland County Council maintain a flexible employment land supply, to meet full range of needs to 2036, provide choice/ flexibility in supply".
- Recommend the long term take up scenario put forward by the Council's consultants, gives a requirement for Local Plan to provide up to an additional 25 ha of employment land should be adopted.



## Consideration of spatial strategy

- Two proposals promoted for the establishment of a new garden community in Rutland.
  - St George's
  - Woolfox
- Current National Planning Policy Guidance states that all reasonable alternatives to be assessed for consideration within the Local Plan must be realistic and deliverable within the plan period.
- Evidence shows that there is scope for the inclusion of a garden community in the spatial strategy whilst still providing for some growth in the 2 main towns and across the Local Service Centres.



## Assessment of garden community proposals

- Comprehensive assessment of two proposals undertaken considering a wide range of factors. Detailed work undertaken to assess all of the evidence provided to support both options alongside the site assessments from the sustainability appraisal.
- **It is recommended that the proposals for Woolfox are not taken forward for consideration within the Local Plan as the evidence available does not demonstrate that the proposals for this site are deliverable and viable.**
- **The evidence available for the St George's proposal does demonstrate that, with the benefit of the now confirmed HIF funding, this would be viable and deliverable.**



## Assessment of garden community proposals

- **Together the evidence provides the justification for inclusion of the option for the St. George's site within the Local Plan and that this presents an appropriate strategy, taking account of reasonable alternatives.**
- It is important to note that on its closure for operational use, the proposals for development at St George's site would take place on land which constitutes "brownfield land" as defined in the NPPF
- It supports the NPPF objective that: "Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that **makes as much use as possible** of previously-developed or 'brownfield' land".



## Timetable (Local Development Scheme)

- Pre-submission Local Plan considered by Scrutiny, Cabinet and council in January 2020.
- Publish plan for “Reg.19” Pre-submission consultation (6 week formal representation period) – mid Feb to end of March 2020.
- Submit Plan for Examination in Public (EiP) – May 2020.
- Examination – late Summer/ Autumn 2020 (dependent on Planning Inspectorate).