



# Rutland County Council

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Minutes of the **MEETING of the GROWTH, INFRASTRUCTURE AND RESOURCES SCRUTINY COMMITTEE** held as a virtual meeting via Zoom on Thursday, 11th June, 2020 at 7.00 pm

Present: Mr N Begy  
Mr R Coleman  
Mrs J Fox  
Miss M Jones  
Mrs K Payne  
Miss G Waller (Chair)  
Mr N Woodley

In Attendance: Mr G Brown  
Mr O Hemsley  
Mr K Bool  
Ms J Burrows  
Mr J Dale  
Mrs R Powell  
Mrs S Webb  
Mr P Ainsley

Officers present:	Helen Briggs Penny Sharp Roger Ranson Rachel Armstrong Phil Horsfield Joanna Morley	Chief Executive Interim Strategic Director for Places Planning Policy Manager Principal Planning Policy Office Monitoring Officer Scrutiny Officer
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## **550 APOLOGIES**

There were none.

## **551 RECORD OF MEETING**

The minutes of the meeting held on the 13<sup>th</sup> February 2020 were agreed unanimously by the Committee.

## **552 DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **553 PETITIONS, DEPUTATIONS AND QUESTIONS**

The Committee were informed that a deputation had been received from Mary Canham, a resident of North Luffenham, and that this had been uploaded on to the website. It was confirmed that this had also been circulated to members of the Committee prior to the meeting.

The Chair announced her intention to take questions relating to the deputation during item 8 on the agenda.

## **554 QUESTIONS WITH NOTICE FROM MEMBERS**

There were none.

## **555 NOTICES OF MOTION FROM MEMBERS**

There were none.

## **556 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO THE CALL IN OF A DECISION**

There were none.

## **557 LOCAL PLAN - UPDATE ON TIMETABLE AND CONSULTATION**

Councillor G Brown, as the Portfolio Holder for Environment, Planning, Property, and Finance introduced the report and explained that a review of the Statement of Community Involvement (SCI) at this time would allow progress with the Local Plan consultation, and enable the Regulation 19 consultation (and subsequent stages) which had been approved by Council in February 2020, to take place.

Councillor G Brown explained that the SCI was not a development plan document and noted that there was no statutory requirement to consult on it. It was however considered good practice to undertake informal consultation on the proposed changes. Following this, Cabinet would be asked to approve the draft review for a four-week consultation; it was proposed that the consultation on the revised SCI would run from August - September 2020. It was further noted that there were three stages of consultation that had taken place in the preparation of the Local Plan which were highlighted in the report and the recommendation would enable the statutory consultation on the Plan to progress.

### Deputations from members of the public:

The Chair explained that a deputation from a member of the public had been submitted and had been published on the website and circulated to Members of the Committee. In relation to the deputation, a number of questions were asked by the

Committee. In response to the questions asked, Councillor G Brown confirmed the following:

- a) In relation to those who are unable to access the internet (to respond to the consultation) this is expected to be a relatively small number of people as the list of those being shielded in the county indicates only 10% have no direct access to the internet. However, there would be substantial communications via the web, radio, press and through Parish/Town Councils to residents, and those unable to access the web would be able to access a bespoke phone service at the County Council offices.
- b) Despite the Youth Council having not met during the Covid19 pandemic, it was noted that social media would be used extensively to engage with the younger residents.
- c) Whilst it has been recognised that some campaign groups have not been able to meet during the pandemic, alternatives could have been explored, demonstrated by Parish Councils and others using Zoom/Skype and other virtual meeting platforms.
- d) Open engagement in market towns was not a viable option as there would be issues and concerns about social distancing and the sanitisation of printed documents.
- e) The Secretary of State had emphasised that there was a need to focus on web-based consultation and not paper consultation.

Councillor G Brown thanked the member of the public for their deputation noting that the questions posed had been well considered and appropriate. In accordance with the procedure rules a full response to the deputation has been appended to the minutes.

#### Timeline of the consultation:

The Portfolio Holder confirmed, in response to questions and comments about the proposed timetable, that although a proposal had previously been made at Council to extend the deadline for consultation because of the number of April bank holidays, there had never been a firm commitment to this. Furthermore, there should be no further extension as the documents had been available since February 2020 which was considered more than adequate time.

#### Statement of Community Involvement:

Responding to questions asked by the Committee, the Portfolio Holder confirmed the following:

- i) Staffing capacity had been considered in relation to the roll out of the consultation and the Communications Team would have support from external staff to deal with any potential increase in enquiries.
- ii) The Local Plan consultation process would deliver a wide range of comments which would be passed on to the Inspector Responses would need to be related to the soundness of the Local Plan. The period of time between the proposed dates indicated in the LDS would allow for responses to the

consultation to be collated and ordered. Any suggested modifications from the Inspector would then have to be considered and debated by Council.

- iii) The recommendations of the Secretary of State meant residents would need to complete the specific consultation response form. If there were issues with those unable to access the internet, residents would be urged to contact the bespoke phone line to obtain assistance with their responses.
- iv) There was no requirement to carry out a Community Infrastructure Levy (CIL) review as it was indexed to the Building Construction Index annually. It was noted that a review of the CIL would only occur after the adoption of the Local Plan as this would allow for consideration of any new proposals and the infrastructure required.

The Portfolio Holder explained that the Secretary of State had made it clear that Local Authorities should proceed with their Local Plans. It was considered that by doing so, house building and construction would help and assist the recovery of the economy post Covid19.

The Chair raised a number of comments including:

- That the document (SCI) was too focused on the Covid19 crisis and not enough emphasis had been placed on consultation.
- Challenges to members of the public included the inability to hold public meetings to discuss the SCI and a lack of accessibility to places such as libraries that would ordinarily hold such documents.
- An SCI should be written for a more normal situation and not during a pandemic especially as it would be in effect for 5 years.
- In the final version of the SCI, specific groups should not be included and generic terminology should instead be used.
- The previous SCI had stated that the documents would be available in large print, other languages and braille. The Chair asked the Portfolio Holder to consider reinstating this in the current SCI.

A further list of questions from the Chair and the responses given have been appended to these minutes. These questions were submitted to the Portfolio Holder in advance of the meeting.

Having received no further indications that any other Members of the Committee wished to speak, the Chair thanked the officers and Councillors for their attendance.

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The Chair closed the meeting at 7.59pm.

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1. 'Due to the current SARS-CoV-2 RCC has recognised that a number of the "normal" consultation techniques will not be available and new methods of engaging in virtual and electronic formats will be developed.' IT IS ESSENTIAL THAT ANY MODIFICATION OF THE CONSULTING PROCESS MAINTAINS THE PRINCIPLES OF TRANSPARENCY, OPENESS AND FAIRNESS AND DOES NOT EXCLUDE ANY SECTORS OF THE LOCAL COMMUNITY.
2. The Local Plan represents an unprecedented departure from all past and current development policy in Rutland and is likely to result in a significant and irreversible change to the character and nature of the County itself, which will have an inevitable impact on the quality of life of a significant number of local residents. As such, it is crucially important that any modification of section 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), which may be deemed necessary in accordance with the new temporary measures provided by the National Planning Practice Guidance (May 2020), does not detract from the spirit of the underlying legislation and the value that should be placed on community engagement in any planning decision let alone one of this scale.
3. In light of this, I would like to raise the following deputation:
  - a. First, how does RCC intend to make appropriate provision to engage with those sectors of the local population that are not on the internet?

The Council will write to notify (and email) all those already on the Local Plan Mailing list to inform them of the consultation and how to access the documents (this includes in the region of 1500 addresses). A poster campaign will also be organised using council buildings, notice boards and by requesting that town and parish councils and parish meetings also use the posters to advertise the consultation.

Regulation 19 requires inspection copy of documents to be available in the Council's principal office. This requirement must be met as a minimum. Arrangements are being put in place to achieve this whilst meeting the Covid 19 restrictions. This will allow those who do not have internet access or a third party with internet access to access the documents. For those who are shielding and therefore not able to come to the office specific solutions will be put in place and made available based on each individual's requirement.

- b. Second, how does RCC intend to address the inevitable impact that the SARS-CoV-2 will have had on local campaigning groups that have been

unable to meet during the lockdown period to discuss any issues in the Local Plan about which they may wish to comment or raise objections?

It is not for the Council to determine how groups meet or continue to operate – that is for each group themselves to determine. It is probable that most will adapt and meet virtually in the same way as parish councils and other groups are doing.

- c. Third, how does RCC intend to address the fact that the SARS-CoV-2 pandemic lockdown not only raises difficulties when it comes to providing adequate opportunities for members of the public to inspect documents but perhaps more fundamentally is likely to mean that many local residents may not even know that the Information exists in order to request its inspection?

In addition to the mailing list referenced in a) above, the council will use extensive online communication about the consultation as well as substantial communications via radio, press, social media and through Parish/Town Councils to residents. A notice will also be placed in local newspapers to publicise the consultation. For those unable to access the web to respond to the consultation a copy of the document and the online form will be accessible (on an appointment basis) at the Council Office as set out above. The Council will also provide a bespoke phone service to those who are shielding and therefore unable to access the documents either online or in the council offices. Copies of document or extracts of it, can be requested at the usual cost.

4. In light of the above, I would ask RCC to commit to recognising the value of local engagement and community involvement in local planning decision making process. In doing so, it is important that any necessary changes to Regulation 19 provide more than a tick box exercise in ensuring community involvement in the Local Plan. In order for this to be achieved in a democratically fair way and for the process not to exclude any sectors of the local community I would recommend that as a minimum RCC commits to the following measures (in order of priority depending on the availability of funding):

It is important to recognise that the only substantive change to the SCI in respect of consultation on the Pre-Submission Plan (Regulation 19 consultation) is that copies of the document will not be available for inspection at the libraries. In all other respects consultation and communication about it will be the same, if not more, than previously planned.

- i. RCC send a mailshot to every household in the County with details of how residents may access and comment on relevant information regarding the Local Plan under any modified Regulation 19 process;

This is not proposed, it is expensive and not proven to be an effective way of communicating the consultation. Other methods outlined above will provide for the same communication and advertisement of the consultation as would normally be undertaken.

- ii. Commit to publishing details of how to access and comment on all relevant information regarding the Local Plan in the local newspaper. Any such publication to be more extensive and informative than merely a press release;

As well as press releases throughout the consultation period, a notice placed in the local papers already forms part of the normal communication strategy for such a consultation. This strategy includes the use of social media and the poster campaign referenced above. These methods form a normal part of the consultation process and have not been changed as a result of Covid or proposed changes to the SCI.

- iii. Consider the effective use of social media stations to inform members of the public how to access and comment on all relevant information regarding the Local Plan;

Extensive use of social media already form part of the normal communication strategy for such a consultation

- iv. Consider engaging in a publicity campaign with local radio stations to inform members of the public how to access and comment on all relevant information regarding the Local Plan.

Radio stations already form part of the normal communication strategy for such a consultation.

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## Questions for GIR Scrutiny 11.06.20: Statement of Community Involvement

1. The SCI should be reviewed every 5 years. This means RCC's should have been reviewed in 2019. This fact is not made clear in the report which implies this review is a result of changes needed in relation to Covid 19. It is imperative we have an up to date SCI, and one which from its adoption will last for 5 years; albeit with future potential amendments to reflect the ongoing Covid situation. Can it be made explicit, for the benefit of the public during consultation, that this is the SCI 5 year review?

Para 1.2 makes it clear that the "review the Statement of Community Involvement (SCI) (is) in order to encompass statutory changes to planning regulations for policy making, neighbourhood planning and development management and to allow national guidance in relation to Covid 19 to be incorporated into the SCI."

It is accepted that the report could have stated that the SCI must be reviewed every 5 years.

This however does not necessarily mean that it will last for 5 years as there is scope to review the SCI at any time within that 5 year period.

2. Ref. paragraph 3.4. Regardless of Government guidance should we not be saying we will also use social media and advise parish councils and parish meetings?

Yes, we have planned to use these measures and so they could and should have been included in the summary set out in this paragraph. These are however clearly set out in Table 1 Consultation Methods in the Draft SCI Review document.

3. SCI (page 29 of the report). Why has the deleted part in paragraph 1.9 been deleted?

It was deleted to improve the clarity of the document but can be retained if desired.

4. SCI (page 35 of the report paragraph 2.6). Why is the Council not reviewing its CIL charging schedule which is now four and a half years old?

There is no legal requirement to review the CIL on a 5 year basis. The most appropriate time to do this will be after the Local Plan is adopted as infrastructure requirements and viability considerations, which are key to the review of the charging schedule, will be determined by the policies and proposals in the adopted plan and the supporting Infrastructure Delivery Plan.

5. SCI (page 39 para 3.8). I have been unable to find the statement of common ground. Should this paragraph not have a link to it?

Statements of Common Ground form part of the Duty to co-operate and are usually agreed in the period between Regulation 19 consultation and Examination hearings. This is because the relevant bodies need to be able to consider the content of the Pre-submission Local Plan in order to respond to the consultation and then confirm areas of common ground. As Duty to Co-operate (DtC) work is

ongoing and iterative, draft SoCG have been prepared with our DtC partners, they will not be signed until after the Regulation 19 consultation when they will be finalised for submission of the plan for consideration at its examination. As such, they are not published at present. A Statement of Compliance with the DtC will also be prepared to support the submission of the plan. A summary of this statement will be published as part of the Regulation 19 consultation.

6. SCI (page 42 para 3.31). I find this paragraph vague. It refers to “proactively” engaging with those who are shielding but does not indicate how this will happen. Will the Council, for example, write to each of them?

It is our intention to write to all those on the shielding list, however the use of this information for this purpose is subject to GDPR. Discussions are ongoing as to how we can use the information we hold to engage these people in the consultation. They will be advised that if they wish to engage in the consultation to contact the planning policy team by phone so that we can determine the best way to meet their individual needs and ensure their involvement in the consultation.

7. SCI (page 43 para 4.1 (and in other places)). Why remove the libraries as depositories of planning documentation? The SCI should last 5 years and libraries will again be open within that time. Could we not simply have “and libraries when open to the public”?

There is no requirement for the SCI to last for 5 years and the Council can review at any time. It is important that the SCI sets out what the minimum requirements are. We will do more than the minimum where this is feasible and practical. Table 1 of the SCI sets out a whole range of methods of consultation which will be used in addition to the “minimum requirement”, this includes using the libraries when it is appropriate to do so. It is our intention to use libraries as soon as it is safe to use them as deposit points, however this is not simply about them re-opening – if we are to use them as deposit points we will need to employ strict contamination prevention methods. This includes having sufficient numbers of copies to allow them to be appropriately decontaminated between use and ensuring appropriate social distancing measures can be achieved. Following Covid-19, it is intended to undertake a review of the SCI.

8. SCI (page 45. “Engage with existing relevant partnerships, forums and groups”). Should we not simply stop at “groups” without giving any examples in order to ensure longevity of the document? The Rutland Water Partnership, I believe, is not actually meeting at the moment so could not be a consultee at this stage.

It is best to identify general consultation bodies in the SCI where possible. This list is not meant to be exhaustive and it will be at the discretion of the group whether these choose to meet. However, if it is considered preferable then we can amend as suggested in the question.

9. SCI (pages 46/47). Why is the old paragraph 4.7 removed? It was far more informative of what might be found in the appendix than the replacement 4.7?

Happy to keep the old paragraph and update to refer to Appendix 7.

10. SCI (pages 48/49 planning applications). As people who are shielding won't see planning application notices affixed to lampposts etc. could we not have a para stating that when advising parish councils of planning applications we will encourage them to draw these to the attention of any residents whom they feel would want to know but are shielding?

Yes we could do this, we do also write to those adjacent to the site so they should get a letter if they are adjacent to a site.

11. SCI (page 51 para 5.22) Rutland CC has changed its procedures regarding deputations etc. does this paragraph not need updating?

The statement in the SCI is still accurate, it is just the process that has changed. It is possible to do this to any meeting of Council just using a different method.

12. SCI Appendix 1 (pages 54/55). In the section on Regulation 18 reference needs to be made to location of plans if libraries are not open (see question 7 above). Indeed, would it not be simpler to have an overarching section at the beginning saying during the restrictions imposed by Covid we will.... which in turn will modify what comes after. This would then mean that in the following parts of this Appendix subsequent Regulation consultations would still have the option of copies being made available in libraries. Whilst it is highly unlikely libraries could be utilised for Regulation 19 consultation they may well be available for subsequent parts of the process. Should we not be including libraries where possible to facilitate public engagement with this process?

The approach taken is to specify the minimum requirements whilst giving flexibility to extend beyond these if circumstances allow.

See answer to question 7 above.

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