

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

Telephone 01572 722577 Email: governance@rutland.gov.uk

Meeting: CABINET

Date and Time: Tuesday, 5 April 2022 at 10.00 am

Venue: Via Zoom - <https://us06web.zoom.us/j/95952936142>

Governance support Officer to contact: Tom Delaney 01572 720993
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A G E N D A

1) APOLOGIES FOR ABSENCE

2) DECLARATIONS OF INTEREST

In accordance with the Regulations, Members are required to declare any personal or prejudicial interests they may have and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

3) ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF THE PAID SERVICE

4) RECORD OF DECISIONS

To confirm the Record of Decisions made at the meeting of the Cabinet held on 8th March 2022.
(Pages 5 - 10)

5) ITEMS RAISED BY SCRUTINY

To receive items raised by members of scrutiny which have been submitted to the Leader and Chief Executive.

6) RUTLAND LOCAL PLAN ISSUES AND OPTIONS

To receive Report No. 68/2022 from the Portfolio Holder for Planning, Highways and Transport.
(Pages 11 - 150)

7) EMERGENCY POWERS

To receive Report No. 67/2022 from the Monitoring Officer.
(Pages 151 - 154)

8) COMMUNICATION AND ENGAGEMENT PLAN

To receive Report No. 66/2022 from the Leader of the Council.
(Pages 155 - 168)

9) RISK MANAGEMENT POLICY AND STRATEGIC RISK REGISTER

To receive Report No. 72/2022 from the Portfolio Holder for Finance, Governance and Performance, Change and Transformation.
(Pages 169 - 218)

10) INFORMATION GOVERNANCE POLICY REVIEWS

To receive Report No. 69/2022 from the **Error! Unknown document property name..**

(Pages 219 - 264)

11) EXCLUSION OF THE PRESS AND PUBLIC

Cabinet is recommended to determine whether the public and press be excluded 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 is likely to involve the disclosure of exempt information as defined in Paragraph 2 of Part 1 of Schedule 12A of the Act.

Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

12) LEISURE UPDATE

To receive Report No. 71/2022 from the Portfolio Holder for Communities, Environment and Climate Change.
(Pages 265 - 272)

13) ANY ITEMS OF URGENT BUSINESS

To receive items of urgent business which have previously been notified to the person presiding.

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MEMBERS OF THE CABINET: Councillor O Hemsley (Chair)
Councillor L Stephenson (Vice-Chair)
Councillor S Harvey
Councillor K Payne
Councillor I Razzell
Councillor D Wilby

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Rutland County Council

Catmose Oakham Rutland LE15 6HP

Telephone 01572 722577 Email governance@rutland.gov.uk

Minutes of a **MEETING of the CABINET** held via Zoom on Tuesday, 8th March, 2022 at 10.00 am

PRESENT: Councillor O Hemsley (Chair) Councillor L Stephenson (Vice-Chair)
Councillor S Harvey Councillor K Payne
Councillor I Razzell Councillor D Wilby

OFFICERS PRESENT: Mark Andrews Chief Executive
Saverio Della Rocca Strategic Director for Resources
Dawn Godfrey Strategic Director for Children's Services
Penny Sharp Strategic Director for Places
Marie Rosenthal Monitoring Officer
Tom Delaney Governance Manager

IN ATTENDANCE: Councillor J Fox Chair, Growth Infrastructure and Resources Scrutiny Committee

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF THE PAID SERVICE

Mark Andrews, Chief Executive and Head of Paid Service, advised Cabinet that the Council had begun working with regional partners and Rutland's local network of voluntary organisations in preparation for provision of support for Ukrainian refugees.

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Councillor I Razzell joined the meeting at this point.

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3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 RECORD OF DECISIONS

Consideration was given to the minutes of the meeting held on 15 February 2022.

RESOLVED

That the minutes of the meeting held on 15 February 2022 be **AGREED**.

5 ITEMS RAISED BY SCRUTINY

A report was received from the Growth, Infrastructure and Resources Scrutiny Committee, Councillor J Fox, Chair of the Committee, presented the report which informed Cabinet of several key considerations by the Committee and made several recommendations to officers and Cabinet.

In response to the recommendations regarding the Minerals Authority Contract Councillor I Razzell, Portfolio Holder for Planning, Highways and Transport thanked Councillor Fox for the Committee's work on the topic, and undertook to work with the Committee on the future of the contract and ensure the requested information was provided to Cabinet and the Committee in due course.

In response to the recommendation regarding 4Oakham Councillor O Hemsley, Leader of the Council, confirmed he was still waiting to meet the Mayors of Oakham and Uppingham and would do so as soon as convenient, although the Leader set out that any decision regarding the future of 4Oakham should be determined by the town itself. Councillor Fox was thanked for her work on 4Oakham alongside the Chair of the organisation.

In response to the recommendations regarding the Grounds Maintenance and Forestry Procurement Councillor L Stephenson, Deputy Leader and Portfolio Holder for Communities, Environment and Climate Change, confirmed that the action to allow Councillors additional time to feed into the consultation had taken place, Councillor Stephenson undertook to progress the remaining actions through the Project Board.

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Councillor J Fox left the meeting at this point.

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6 FUTURE RUTLAND VISION

Report No. 53/2022 was presented by Councillor O Hemsley, Leader of the Council and Portfolio Holder for Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure. The report provided Cabinet with a final Future Rutland Vision following the latest consultation exercise and recommended the Vision to Council for approval. Councillor Hemsley thanked all the respondents to the various stages of consultation and to the staff involved in compiling the final Vision.

Members strongly welcomed the public involvement throughout the process, the principles of the Vision recognising the need for the Council to operate within its financial means was also welcomed. It was also suggested that following Council approval, Members should use the values of the Vision when representing the Council on external organisations.

RESOLVED

In consultation with Cabinet Councillor O Hemsley, Leader of the Council:

1. **NOTED** the outputs of the final consultation exercise and the subsequent amendments made to the draft Future Rutland Vision.
2. **NOTED** the final Future Rutland Vision.
3. **RECOMMENDED** that Council endorses the Future Rutland Vision as a shared vision for the County as shaped by the community.
4. **RECOMMENDED** that Council adopt the Future Rutland Vision as a key document which underpins the Corporate Plan and future Council strategies and approaches.

7 INTERNAL AUDIT DELEGATION

Report No. 50/2022 was presented by Councillor K Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation. The report sought approval to transfer the existing Internal Audit delegation agreement from the current hosts (Milton Keynes Council, Northamptonshire County Council and Cambridgeshire County Council) to North Northamptonshire Council following local government reorganisation and to extend the agreement to March 2027. The report and its content were welcomed by Members.

RESOLVED

In consultation with Cabinet Councillor K Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation:

- 1) **TRANSFERED** the internal audit delegation agreement from the existing hosts (Milton Keynes Council, Northamptonshire County Council and Cambridgeshire County Council) to North Northamptonshire Council and extended it for a further five years
- 2) **DELEGATED** authority to the Strategic Director for Resources in consultation with the relevant Portfolio Holder to finalise the delegation agreement.

8 DOMESTIC WASTE AND RELATED CONTRACTS - OPTIONS

Report No. 51/2022 was presented by Councillor L Stephenson, Deputy Leader and Portfolio Holder for Communities, Environment and Climate Change. The report outlined the available options for a new waste collection service and made recommendations on the best option for waste collection in Rutland, which would be taken for soft market testing before a formal decision came back to Cabinet on the procurement of the contract at a later date. Councillor Stephenson highlighted the need for the Council to operate within its means and welcomed the involvement of the Portfolio Holder for Finance and the Section 151 Officer on the Project Board for the procurement.

Members welcome the acknowledgement of the need for the Council to live within its means given the limited information on government financial support for implementing the required changes from the Resources and Waste Strategy and the Environment Act 2021.

Concerns were expressed regarding the single option recommended in the report and

there was a desire for other options to be left available at the current stage, in response it was confirmed that the intention was to go out for soft-market testing to scope out the terms of a future waste contract which could include consideration of other options. Penny Sharp, Strategic Director for Places set out that there was a need for a political steer from Cabinet but reiterated that the final award criteria would be coming back to Cabinet and Council for approval.

RESOLVED

In consultation with Cabinet Councillor L Stephenson, Portfolio Holder for Communities, Environment and Climate Change:

- 1) **APPROVED** the preferred option 2bii for waste and recycling collections, as set out below:
 - a) Dry mixed recycling with paper and cardboard to be collected separately every fortnight
 - b) Separate weekly food waste collections
 - c) Reduced capacity residual waste bin to be collected fortnightly

9 HIGHWAYS CAPITAL PROGRAMME - FIRST ALLOCATION 2022/23

Report No. 52/2022 was presented by Councillor I Razzell, Portfolio Holder for Planning, Highways and Transport. The report sought approval for the first allocation of the Highway Capital Programme, funded from the Capital Highway Maintenance Block needs based allocated, by the Department for Transport for 2022/23.

Members welcomed the report and noted the often difficult circumstances faced by officers in maintaining the highways. The FixMyStreet was also celebrated as an effective means for residents to report issues to the Council.

In consultation with Cabinet Councillor I Razzell, Portfolio Holder for Planning, Highways and Transport:

APPROVED the spend of the Department for Transport (DfT) Capital Highways Maintenance Block funding allocation received to the value of £1,000,000 is used for highway carriageway, footway and drainage work as per Appendix A.

10 FUEL CARD CONTRACT PROCUREMENT AND AWARD

Report No. 25/2022 was presented by Councillor I Razzell, Portfolio Holder for Planning, Highways and Transport. The report set out the procurement process to be followed and proposed award criteria for the procurement of the Council's Fuel Card contract, along with a recommendations for approval of delegation of the final award.

In response to a query, it was confirmed by Penny Sharp, Strategic Director for Places, that the issuing of fuel cards was closely monitored and signed off by individual line managers.

In consultation with Cabinet Councillor I Razzell, Portfolio Holder for Planning, Highways and Transport:

- 1) **APPROVED** the procurement mode and criteria for the award of the Council's Fuel Card contract.

- 2) **DELEGATED** authority to the Strategic Director for Places in consultation with the Portfolio Holder with responsibility for Transport to award the contract resulting from this procurement.

11 **CLEANING CONTRACT - EXTENSION REQUEST AND PROCUREMENT OF NEW CONTRACT**

Report No. 54/2022 was presented by Councillor O Hemsley - Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure. The report sought approval to extend the existing cleaning contract with S4 Facilities Ltd (trading as Extra Fresh) for cleaning of Council properties, pending procurement of a new cleaning contract following the conclusion of the ongoing property asset review. It was highlighted that there were also many ongoing changes to the Council's working practices and the proposals would ensure service continuity allowing the contract to be placed with the minimum delay and service disruption.

In response to a query, it was confirmed by Penny Sharp, Strategic Director for Places, that the initial report from the asset review was expected by April of 2022 and it was considered possible to have a new contract [prepared in time for the end of the proposed extension in 2023.

RESOLVED

In consultation with Cabinet Councillor O Hemsley, Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure:

APPROVED the extension of the existing cleaning contract of Council properties to 31 March 2023 at an estimated cost up to £141,756 pa for 12 months ending 31 March 2023, including consumables and laundry but excluding exceptional events such as deep cleaning following a Covid-19 event.

12 **RUTLAND FAMILY HUB**

Report No. 48/2022 was presented by Councillor D Wilby, Portfolio Holder for Education and Children's Services. The report updated Cabinet on the national and local Family Hub programme and set out the opportunities and actions to develop a Family Hub for Rutland.

The paper was welcomed by Members and in particular the focus given to the sizeable Armed Forces community in the county.

RESOLVED

Councillor D Wilby, Portfolio Holder for Education and Children's Services and the Cabinet:

NOTED the development of a national and local Family Hub programme and **ENDORSED** the opportunities the Family Hub provides, to build upon existing services in Rutland.

13 **EXCLUSION OF THE PRESS AND PUBLIC**

It was moved by Councillor O Hemsley that the meeting continue in a public session as it was felt Cabinet could consider the following item of business without divulging the content of the exempt appendix.

This was seconded and upon being put to the vote, the motion was unanimously carried.

RESOLVED

That the meeting remain in a public session.

14 WRITE OFF OF IRRECOVERABLE DEBTS

Report No. 38/2022 was presented by Councillor K Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation. The report sought approval to write off debts, over the value of £2,500, where officers believed that there was little or no prospect of recovering them. It was highlighted that in many of the cases before Cabinet it would not be cost effective to pursue the sums.

RESOLVED

In consultation with Cabinet Councillor K Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation:

- 1) **NOTED** the action taken to recover outstanding debts.
- 2) **APPROVED** the write off of the debts shown in Exempt Appendix A.

15 ANY ITEMS OF URGENT BUSINESS

There were no items of urgent business for consideration.

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The Chair declared the meeting closed at 10.52 am.

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CABINET

5th April 2022

RUTLAND LOCAL PLAN ISSUES AND OPTIONS

Report of the Portfolio Holder for Planning, Highways and Transport

Strategic Aim:	Delivering Sustainable Development	
Key Decision: Yes	Forward Plan Reference: FP/280122	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor I Razzell, Portfolio Holder for Planning, Highways and Transport	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Tel: 01572 758160 psharp@rutland.gov.uk
	Roger Ranson, Planning Policy Manager	Tel: 01572 758238 rranson@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet agrees:

1. To approve the Issues and Options report (Appendix 1) for the purposes of public consultation;
2. That delegated authority is granted to the Strategic Director of Places, in consultation with the Portfolio Holder with responsibility for Planning, to make any minor changes to finalise the consultation document and facilitate the requirements of consultation software as well as to make any changes agreed at Cabinet;
3. To approve the Statement of Community Involvement (Appendix 2) including minor revisions to the text; and
4. To approve the Local Development Scheme (Appendix 3) setting out the timetable for the preparation of the Local Plan.

1 PURPOSE OF THE REPORT

- 1.1 This report seeks approval for public consultation to be undertaken on the Local Plan Issues and Options report. The proposed document for consultation is appended to this report (Appendix 1).

- 1.2 The Issues and Options report does not seek to set out defined solutions for a new local plan, rather it raises key issues to be addressed in the preparation of the Local Plan and seeks feedback on the options presented with respect to these issues.
- 1.3 It is intended that consultation will take place over a 6-week period during May and June 2022, once the consultation material is finalised. The feedback received from the consultation will be used to inform emerging and developing thinking on the form, structure and content of the Local Plan.
- 1.4 This report also provides further detail, some background material and other considerations relevant to the overall preparation of the Local Plan.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Council meeting held on 1st September 2021 resolved to positively prepare and submit a new Local Plan informed by an updated evidence base for the benefit of the County of Rutland, its residents and businesses that will:
- i. Deliver the corporate plan vision and themes for the County;
 - ii. Provide for sustainable growth to meet its objectively assessed housing and employment needs, utilising and promoting sustainable transport wherever possible, which will combine to contribute towards achieving the Government's net zero carbon emissions 2050 target;
 - iii. Protect and enhance the County's heritage, character and natural capital (including air quality, water resource management and biodiversity);
 - iv. Ensure the timely delivery of all necessary infrastructure.
- 2.2 Additionally, Council approved the development of robust and effective strategic partnerships to support plan-making through the duty to cooperate and required for a viable, deliverable and sound plan. Council also approved the establishment of a cross-party group to provide oversight of the process of making a new Local Plan.
- 2.3 The legal context for producing a new local plan is set out in the Planning and Compulsory Purchase Act 2004 (as amended) and also in The Town and Country Planning (Local Planning) (England) Regulations 2012. In the latter, at Regulation 18, it advises that at the start of plan making a local planning authority must notify interested parties of the intent to produce a local plan and also invite them to make comment about potential content.
- 2.4 A programme of Member training on the Local Plan has commenced, with further sessions to be scheduled.
- 2.5 Consultation on the Issues and Options report
- 2.6 The consultation on the Issues and Options report will formally start the process of producing a new Local Plan for Rutland. At this stage, the report is intended to cover key policy matters and strategic considerations that need to be taken into account in preparing the plan, and so – when adopted - determining planning applications in Rutland.
- 2.7 The Local Plan, once adopted, will replace the Council's currently adopted planning

policies set out in the Core Strategy DPD (2011), the Site Allocations & Policies DPD (2014) and the Minerals Core Strategy and Development Control Policies DPD (2010).

- 2.8 The Issues and Options report seeks to identify the key issues that could be relevant to address through the Local Plan and for these issues, where bigger scale alternative policy choices or approaches may exist, sets these out in questions. At this stage of consultation specific possible development sites options are **not** being consulted on. This Issues and Options consultation is, therefore, about matters in principle; more detailed matters and specific possible development sites will be addressed at a later stage in plan making.
- 2.9 A “Call for Sites” is underway, whereby individuals, landowners and developers are asked to suggest areas of land which they think may be suitable for future development like new housing or space for businesses, depending on the county’s needs. Submitting land as part of the Call for Sites only places that land in front of the County Council for consideration, ahead of a site appraisal process and any subsequent public consultation. Submitting land for inclusion in the Call for Sites does not mean it will automatically become part of the Local Plan or receive planning permission.
- 2.10 Consultants have now been appointed to undertake the required reports on Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA) which will be ongoing processes in the production of the Local Plan. A SA scoping report will accompany the Issues and Options report.
- 2.11 There will frequently be a tension in any consultation document at this stage between keeping it short and simple, which should typically encourage greater levels of response or making it complex and longer as may be seen appropriate for what can be a technically complex planning document or matter. The drafting of the Issues and Options report seeks to strike an appropriate balance between the two.
- 2.12 The consultation will be undertaken in line with the Council’s Statement of Community Involvement (SCI). Some minor changes are proposed to the text to this document, without amending the minimum requirements set out for consultation on development plan documents included in the appendices to the SCI. The minor amendments are identified by means of tracked changes, see Appendix 2.
- 2.13 The focus to the consultation will be by means of an online survey. It is intended to make the Issues and Options report as widely available as possible to anyone to comment on, whether individuals or private, public or voluntary sector organisations or bodies. There will be no limits placed on who can comment. Alternative arrangements will be made for anyone unable to access or use the on-line survey by contacting the Council by telephone, although it is intended to strenuously and actively encourage people to complete an on-line questionnaire survey where they can.
- 2.14 Local Development Scheme
- 2.15 A revised Local Development Scheme is attached as Appendix 3 to this report. This sets out the latest timetable for the production of the Local Plan.
- 2.16 Additional consultations

- 2.17 To support the local plan production there are additional work streams that are and will be ongoing as the Issues and Options report is consulted on and after its consultation is concluded. Alongside consulting in this Issues and Options report, it is also intending to consult on the following:
- the current Site Appraisal methodology; and
 - the current Settlement Hierarchy methodology.
- 2.18 Work is also underway to build the evidence base for the production of the Local Plan. Relevant updated evidence will be published on the Council’s website when finalised and notified to all on the Local Plan consultation database.

3 CONSULTATION

- 3.1 The report outlines above the consultation process to be followed for the Issues and Options report.
- 3.2 Following this, there will be at least two further stages of consultation as the Local Plan is prepared. These will be related to the “Preferred Option” Local Plan (under Regulation 18) and a “Pre-Submission” Local Plan (Regulation 19).

4 ALTERNATIVE OPTIONS

- 4.1 An alternative option would be not to undertake the Issues and Options report, but to go straight forward to a “Preferred Option” Local Plan (under Regulation 18) and/or a “Pre-Submission” Local Plan (Regulation 19) consultation.
- 4.2 As set out in the report to Council in September 2021, reverting to the Issues and Options stage of the process enables an early and full discussion on an appropriate development strategy for Rutland, particularly in terms of the scale and future location of housing development.
- 4.3 It also enables a new ‘Call for Sites’ to be considered for allocation in a new local plan for both housing and employment to be undertaken.
- 4.4 Finally, there is a need to review the evidence base that has informed the Local Plan and determine where that evidence needs to be updated, added to or replaced. These reasons are still pertinent and so the preferred approach is to start a new plan from the beginning with an Issues and Options report.

5 FINANCIAL IMPLICATIONS

- 5.1 Council at its meeting in September 2021 approved a budget for the preparation of a new local plan. Expenditure on this stage of the preparation of the plan is in line with budget estimates.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1.1 The National Planning Policy Framework sets out the tests that Local Plans and Spatial Strategies should meet to be considered ‘sound’. Plans are ‘sound’ if they are:
- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated

where it is practical to do so and is consistent with achieving sustainable development;

- b) b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and;
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

6.2 The Local Plan needs to comply with planning legislation that requires procedural fairness and the need to meet the Equality Act. The regulatory framework is provided by the Planning and Compulsory Purchase Act 2004 (as amended) and related statutory instruments. Once adopted, it will form part of the statutory development plan.

7 DATA PROTECTION IMPLICATIONS

7.1 Consultation will be undertaken in line with data protection requirements.

8 EQUALITY IMPACT ASSESSMENT

8.1 An Equality Impact Assessment has not been undertaken but will form part of later stages of the Local Plan preparation.

9 COMMUNITY SAFETY IMPLICATIONS

9.1 There are no direct community safety implications arising from this report although the issues raised in Appendix 1 cover community safety matters with respect to planning policy.

10 HEALTH AND WELLBEING IMPLICATIONS

10.1 There are no direct health and wellbeing implications arising from this report although the issues raised in Appendix 1 cover health and well-being matters with respect to planning policy.

11 ORGANISATIONAL IMPLICATIONS

11.1 Environmental implications – There are no environmental implications arising from this report although the issues raised in Appendix 1 cover environmental protection and enhancement with respect to planning policy.

11.2 Human Resource implications – none.

11.3 Procurement Implications – the Council is responsible for procuring the services associated with preparing a new Local Plan following financial regulations and procedures.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 It is important for the Council to prepare a new Local Plan in a timely fashion, particularly to enable as many people and businesses in Rutland as possible to be engaged in shaping its future.

12.2 The Issues and Options report is the first stage in this process and the preparation of the Local Plan will benefit enormously through all responses made to the public consultation on this report.

13 BACKGROUND PAPERS

13.1 National Planning Policy Framework:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

13.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended):

<https://www.legislation.gov.uk/uksi/2012/767/contents>

13.3 National planning guidance on plan-making:

<https://www.gov.uk/guidance/plan-making>

14 APPENDICES

14.1 Appendix 1 – Issues and Options report.

14.2 Appendix 2 – revised Statement of Community Involvement.

14.3 Appendix 3 – updated Local Development Scheme.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

Appendix 1 -Issues and Options Report

Introduction

1.1 A New Local Plan for Rutland

- 1.1.1 This consultation document is the first stage of public consultation for the preparation of the Rutland Local Plan. It seeks views on a range of planning issues and proposed options for the future development of the County. The Local Plan will set out the strategy for the amount, location and design of new development, and at the same time take the opportunity this provides to drive forward the Council's ambitions and aspirations on matters such as climate change, meeting affordable housing needs and promoting biodiversity.
- 1.1.2 The preparation of a new Local Plan provides the opportunity for local people and all other interested parties to help shape what the County will look like over at least the next 15 years and thereby create the policy framework that will help guide investment and development decisions over the plan period. In essence, it looks to establish the right amount and locations for future growth, and then guide the form, scale and type of any future developments.
- 1.1.3 The document is drafted with full awareness of the profound and ongoing impact of Covid-19 and also of the possible implications arising from the Government's White Paper: Planning for the Future, which may radically change the nature and process of preparing Local Plans in the future. Going forward the preparation of a new Local Plan for Rutland will seek to continue to respond to these and other changing circumstances.
- 1.1.4 Following the Council decision to withdraw the previously submitted Local Plan for Rutland 2018-36, it is important not to delay the preparation of a new plan. The current adopted development plan documents (Core Strategy Development Plan Document, Site Allocations and Policies Development Plan Document and Minerals Core Strategy and Development Control Policies Development Plan Document) are becoming increasingly out of date over time. The Council currently cannot demonstrate a 5-year housing supply following the withdrawal of the submitted Local Plan, and so there is an imperative to address this policy position as soon as possible, otherwise the Council and communities in Rutland have less influence over planning decisions, potentially resulting in development that is less sustainable and of lower quality being permitted.
- 1.1.5 In making the decision to withdraw the submitted Local Plan, the Council has committed to positively prepare and submit a new Local Plan informed by an updated evidence base for the benefit of the County of Rutland, its residents and businesses that will:
- i. Deliver the corporate plan vision and themes for the County;
 - ii. Provide for sustainable growth to meet its objectively assessed housing and employment needs, utilising and promoting sustainable transport wherever possible, which will combine to contribute towards achieving the Government's net zero carbon emissions 2050 target;
 - iii. Protect and enhance the County's heritage, character and natural capital (including air quality, water resource management and biodiversity); and
 - iv. Ensure the timely delivery of all necessary infrastructure.

1.1.6 In addition, the Council has resolved to develop robust and effective strategic partnerships to support plan-making through the duty to cooperate and required for a viable, deliverable and sound plan.

1.1.7 For all the above reasons, the Council is proceeding with plan preparation, with this first stage being a public consultation on issues and options. This approach is in line with Government advice which is to continue with plan making.

1.2 Call for Sites

1.2.1 Alongside this consultation, the Council has issued a “Call for Sites” to provide the opportunity to suggest potential development sites for allocation in the new Local Plan. There is a separate process in place to enable sites to be put forward for consideration. Details can be found on the Council website: <https://www.rutland.gov.uk/callforsites>

1.2.2 Following receipt of sites promoted for development, the Council will undertake a technical assessment of all the suggested sites in a Strategic Housing and Employment Land Availability Assessment (SHELAA). This technical assessment does not itself recommend sites for development. When account is taken of all views at this stage and in response to the SHELAA, the Council will propose preferred sites to be allocated and consult on these in a draft Plan.

1.2.2 At this first stage of consultation on Issues and Options, no sites are proposed for development. This will happen when a draft Plan is consulted. The Call for Sites list is likely to be a long one (and may get longer) but a large proportion of sites promoted for development will not ultimately be proposed for allocation.

1.3 Structure of the document

1.3.1 The document is split into four chapters:

- the first chapter sets the context for the preparation of the Local Plan;
- the second chapter sets out a proposed vision, set of objectives and raises the question of priorities for the Local Plan;
- the third chapter, comprising most of the document, sets out key issues and options for each of main topic themes;
- the final chapter deals with what happens next.

1.3.2 For each key issue identified in the third chapter, there is a commentary on the background to this, together in most cases with a presentation of either the policy options or policy approach to addressing the issue. A policy option is a suggestion for a type of policy that could be used to address the key issue. Policy options generally represent a decision that will need to be taken on the direction of future policy. A policy option may relate to the introduction of a new policy requirement, or a change in current policies in some way - for example, introducing different criteria that may need to be applied. The policy options are generally exclusive to one another, but it might be that a combination or elements of each is considered the best way to address the issue and are therefore the preferred option. A policy approach is a direction of travel or intent for how the Council proposes to address the key issue. Policy approaches may relate to the general direction of the policy content itself or may be more general or procedural approaches to addressing the issue through the review, for example in terms of the evidence that will be gathered, or possible extra guidance that will be produced, or factors will be considered in addressing the issue. The policy approaches should all be read as a package and do not represent a choice needing to be made between them.

1.3.3 Each policy option and policy approach is followed by a question or set of questions to allow you to respond to the suggestions made. Some questions are specifically open ended, especially where planning policy development is at an early stage.

1.4 Current Local Plan

1.4.1 The Local Plan once adopted will replace the current Rutland Local Plan (2006-2026) which comprises:

- The Core Strategy DPD (2011) sets out strategic planning policies, housing and employment requirements, and how development should be distributed between towns, villages and the countryside;
- The Site Allocations & Policies DPD (October 2014) allocates land for the development needs set out in the Core Strategy and sets detailed policies on a range of topics, used to inform decisions on planning applications;
- Minerals Core Strategy and Development Control Policies DPD (2010).

1.4.2 Other Local Plan Documents that form part of the Rutland Development Plan include 'made' Neighbourhood Plans (Barrowden & Wakerley, Cottesmore, Edith Weston, Greetham, Langham and Uppingham) which contain locally specific policies for development within the designated Neighbourhood Plan areas. Neighbourhood Plans covering the parishes of Ketton & Tinwell, Market Overton, North Luffenham, Oakham & Barleythorpe and Whissendine are also under preparation. In addition, the made plans for Edith Weston, Langham and Uppingham are under review.

1.4.3 There are also supporting documents which are a material planning consideration when deciding on planning applications and take the form of Supplementary Planning Documents (SPD).

1.5 Sustainability Appraisal and Habitats Regulation Assessment

1.5.1 The Sustainability Appraisal (SA) is a legal requirement, and its role is to assess and improve the economic, social and environmental effects of the Local Plan and to monitor its impacts. The SA helps the Council to assess the relative merits of a range of different options and alternatives and helps to determine appropriate options that will deliver the best outcomes for Rutland. It also helps identify measures that will be required to help reduce any harmful effects from the plan. The SA 'tells the story' of the plan-making processes. It documents how decisions have been made and how they have been informed by environmental and sustainability concerns.

1.5.2 The results of the appraisal are set out and analysed in an SA Report which sits alongside and informs each stage of the Local Plan review process. An SA Report of the Issues and Options report has been prepared and is available on the Council's website. It will be updated as the Local Plan review progresses to record each stage.

1.5.3 'Scoping' is the first stage of a sustainability appraisal (SA) and the first exercise is to identify the key sustainability issues facing the County that the Local Plan needs to take account of. Scoping also looks at the wide range of international, national and local plans, strategies, policies and laws that will influence the Local Plan, and identifies any targets within them that the Local Plan should help achieve. Scoping also sets out the assessment framework that will be used in the SA and presents a range of objectives that the Local Plan's strategy, sites and policies should seek to achieve.

1.5.4 It is also required by law for the Council to consider the impacts of the Local Plan on European designated sites including Special Areas of Conservation, Special Protection Areas and Ramsar sites of which there are a number within or close to Rutland. This process is called the Habitat Regulation Assessment (HRA).

1.6 **Links with the Corporate Plan**

1.6.1 The Local Plan will help to deliver parts of the emerging Corporate Plan for the County Council (2019-24), particularly with respect to delivering sustainable development and vibrant communities.

1.6.2 In addition, the preparation of the Local Plan will be aligned to the development of a new Corporate Plan that will cover the period from 2022 to 2027. This Corporate Plan will set out the Council's main commitments, including targets for key services over the next five years. Importantly, the new Corporate Plan will also provide details of how Rutland County Council will use its policies and services to help contribute to the goals contained within the Future Rutland Vision.

1.7 **Climate change and carbon reduction**

1.7.1 In October 2019, the Council approved a motion with respect to climate change. Among the measures put forward as part of Rutland County Council's Climate Change Action Motion are commitments to:

- Make sure the Council's activities achieve a net-zero carbon footprint before 2050
- Achieve 100% clean energy across all council functions by 2050 or earlier
- Provide a climate change impact assessment on all relevant council decisions
- Request that scrutiny panels consider the impact of climate change and the environment when reviewing council policies and strategies
- Review council activities to take account of production and consumption emissions
- Set up a Climate Change Partnership Group involving councillors, residents, young people, climate experts, businesses, and other relevant groups
- Encourage the UK government to provide the powers, resources and funding needed to help tackle climate change

1.7.2 The Local Plan will contribute land-use policies and proposals towards achieving these objectives.

1.8 **National Planning Policy and Guidance**

1.8.1 The Local Plan must also take account of the National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG).

1.8.2 The 2021 NPPF sets out that Local Plans include strategic policies to address key strategic issues, as well as policies which help inform decision making on planning applications. It requires Local Plans to set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

- Housing (including affordable housing), employment, retail, leisure and other commercial development;

- Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal management, and the provision of materials and energy (including heat);
- Community facilities (such as health, education and cultural infrastructure); and
- 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.

1.8.3 National policy and guidance have been frequently changed in recent years, which makes the process of preparing Local Plans more difficult as it constantly changes the ‘goalposts’ and affects what Local Plans can or can’t do. In August 2020 the government announced plans for wholesale radical reforms of the planning system through its Planning for the Future White Paper. If implemented, these changes will fundamentally change the scope and format of Local Plans.

1.8.4 The proposals are at the time of preparing this Issues and Options report subject to ongoing debate in government and would require new legislation and new national policy and guidance to be brought into force. The advice from the government in the meantime is for local planning authorities to press on with their Local Plan process and not to delay or stall to await further details or implementation of national policy changes.

1.8.5 This Issues and Options report has therefore been prepared in the context of the current legislation, policy and guidance which still provides the legal basis for plan making. In progressing the preparation of the Local Plan, the Council will carefully follow national developments and may well need to adapt and change approaches as the review progresses. All of the proposed options must therefore be accompanied by a clear caveat that they are proposed in the context of the current situation and may need to be significantly amended as the Local Plan Review progresses should national planning reforms be brought forward.

1.9 **Timetable for the production of the new Local Plan**

1.9.1 The proposed timetable is set out in the revised Local Development Scheme (April 2022). This envisages a further round of consultation on a “Preferred Options” Local Plan (under Regulation 18 of the Local Plan Regulations) during Summer 2023 and a statutory consultation on a Pre-submission Local Plan (under Regulation 19 of the Local Plan Regulations) in Spring 2024.

1.9.2 The timetable will be kept under review as the production of the Local Plan progresses.

1.10 **Glossary and Hyperlinks**

1.10.1 Several acronyms are used widely in this document. Each is referenced in full when first used. The most common acronyms in the document are listed below:

- DPD – Development Plan Document;
- SPD – Supplementary Plan Document;
- DLPA – Local Planning Authority;
- NPPF – National Planning Policy Framework;
- PPG – Planning Practice Guidance;
- CS – Core Strategy Development Plan Document; and
- SAP – Site Allocations and Policies Development Plan Document.

1.10.2 A Glossary of Terms that have been commonly used in this document is provided at Appendix 1.

1.10.3 Hyperlinks are used within this document to other documents. If hyperlinks will not open using Internet Explorer, it is suggested that you try using alternative browsers such as Google Chrome or Microsoft Edge.

1.11 **How to get involved**

1.11.1 The preparation of the Local Plan is at an early stage so this is a very appropriate time to get involved as the production of the plan progresses through the stages set out above. At this stage, no decisions have yet been made and so the content of this report has no or very minimal weight in planning decision making.

1.11.2 The Council would like to hear your views. **You can get involved in the following ways....**

2. Vision and Objectives

2.1 Vision

2.1.1 A key element in plan making is to establish a clear vision for the future and to set out objectives for delivering that vision during the plan period. This establishes the framework upon which the policies and proposals of the plan are built. The vision should reflect the Council's corporate vision and the Local Plan itself should be a delivery mechanism for the land-use elements of key strategic documents and corporate policy.

2.1.2 The Council are committed to developing a long-term vision for Rutland. Rutland County Council started the "Future Rutland" Conversation in 2021 to find out what really matters to local people and for them to help create the vision. The Council intends to use the vision to inform its long-term plans and policies with the aim to make the Future Rutland Vision central to every plan and big decision that is made in the County.

2.1.3 The vision approved by Council in March 2022 can be found on the Council's website via this link:

2.1.4 This shared vision provides a set of long-term goals and aspirations based on the things that local people have said are most important: Rutland's character, its homeliness and community spirit, peace and well-being, nature, wildlife, rurality and the freedom to enjoy life.

The Vision is split into four sections that cover all aspects of life in Rutland:

- A special place: Sustaining a vibrant rural county that harnesses the enterprise of its businesses, the ambition and creativity of its residents, and the passion of its local communities.
- Sustainable lives: Living sustainably and combatting the climate crisis through the power of choice, the removal of barriers, and real collective action.
- Healthy and well: Promoting health, happiness and well-being for people of all ages and backgrounds.
- A county for everyone: Celebrating diversity and ensuring everyone has the opportunity to live well, be heard and overcome any challenges they may face.

2.1.5 This Vision is not meant to be a detailed plan. The Local Plan vision should therefore draw on the Council's corporate plan and the Future Rutland Vision, although it will need to be adapted to correspond with the land use focus of the Local Plan. For example, the vision is not specific about the scale and location for future growth – this will be a matter for the Local Plan to determine. A proposed vision and objectives of the new Local Plan will be developed alongside consideration of the key issues and options for the new Local Plan.

2.1.6 The Local Plan can only seek to deliver the land-use elements of the Vision.

Question 1 Local Plan Vision

Please indicate which option you think should be used as the basis for preparing the Local Plan

Option A: The Future Rutland Vision should be used as the basis of preparing the Local Plan bearing in mind that it will be for the Local Plan to establish a sustainable strategy for the scale and location for future growth and development.

Option B: Create a new vision specifically for the Local Plan and the plan period it will cover.

2.2 Objectives

2.2.1 The following set of objectives has been drafted for the new Local Plan for public consultation. These are intended to help the achievement of the proposed vision for Rutland:

Draft Proposed Strategic Objectives	
Strategic Objective 1	Ensuring new development takes a proactive approach to carbon reduction and that environments and communities in Rutland are adaptable and resilient to climate change, including managing flood risks
Strategic Objective 2	Delivering sustainable development by determining an appropriate level and location of housing growth in Rutland, sited in locations where people can access jobs and services, and in delivering wider social and economic outcomes, taking account of environmental considerations
Strategic Objective 3	Meeting Rutland’s identified current and future diverse housing needs, including the affordability of housing, through the provision of high-quality new homes
Strategic Objective 4	Supporting business investment and job creation in ways which are compatible with environmental considerations in order to maintain a prosperous and resilient economy in Rutland
Strategic Objective 5	Enabling Rutland’s market towns and, their centres in particular, are places for economic and cultural activity with good access to services; seeking to sustain a network of larger villages that serve local needs; and enabling the viability and sustainability of smaller villages and countryside – in ways which protect the County’s heritage, character and identity
Strategic Objective 6	Supporting all communities across the County to make them safer, more resilient to change and enhance community cohesion
Strategic Objective 7	Encouraging new development to deliver a high standard of design that reflects local character, contributes to local distinctiveness, contributing to cleaner, greener and safer places

Strategic Objective 8	Ensuring new development and open spaces support health and wellbeing for all, reduce health inequalities and encourage active and healthy lifestyles
Strategic Objective 9	Protecting and enhancing Rutland's varied and high-quality environment, including its natural landscapes, green infrastructure and biodiversity, as well as its rich historic built environment and cultural assets
Strategic Objective 10	Encouraging the effective and prudent use of previously developed land and natural resources, including the efficient use of land and buildings and the use of sustainable construction techniques within new developments, as well as providing for waste management and disposal
Strategic Objective 11	Ensuring a steady and adequate supply of minerals to meet national, regional and local needs whilst taking account of impacts on environments and local communities
Strategic Objective 12	Ensuring development is supported by essential infrastructure and services (most notably: roads, schools, health facilities and utility provision) and promotes safe movement and more sustainable modes of travel by enhancing greener travel networks for walking, cycling and public transport

2.2.2 The objectives will form the framework for the plan, and the policies and proposals of the Local Plan should all contribute to achieving them in a balanced way. This consultation seeks views on these draft objectives at this stage.

Question 2 Local Plan Strategic Objectives

Do you agree with these proposed objectives for the Local Plan Review?

Question 3

Please let us have additional suggestions you may have.

2.3 Priorities and Development Viability

2.3.1 In setting the priorities and objectives underpinning the Local Plan, the Council must consider the potential impacts these may have in terms of the financial costs placed on new development. There is a risk if expectations and policy requirements are too high, that development may not be viable. The Local Plan policies should be clear so that developers do not pay too much for a piece of land and then calculate that they cannot afford to meet policy requirements. If the value generated by a development is more than the cost of developing it,

then it is likely that development will not take place. A careful balance needs to be struck in this respect to ensure requirements are at a level that is viable for development to go ahead. The Local Plan will therefore be subject to a Viability Appraisal which measures the costs of the various policy requirements for planned growth balanced against essential costs and the factors of value of development.

2.3.2 Planning policy requirements can relate to: the Community Infrastructure Levy to contribute to essential infrastructure to support development, e.g. education, transport, health; Developer contributions towards open space/recreation; Affordable housing requirements; Addressing climate change crisis such as zero carbon aims, energy efficiency and the future homes standard; requirements to deliver high quality design – materials and features ; Accessible and Adaptable Homes; Supporting nature recovery – net gains for biodiversity. The local plan must be deliverable and viable to be found “sound” by the Planning Inspector. The conclusions of the Viability Appraisal may, therefore, effect the ability of the council to include higher standards and requirements set out in this Issues and Options paper.

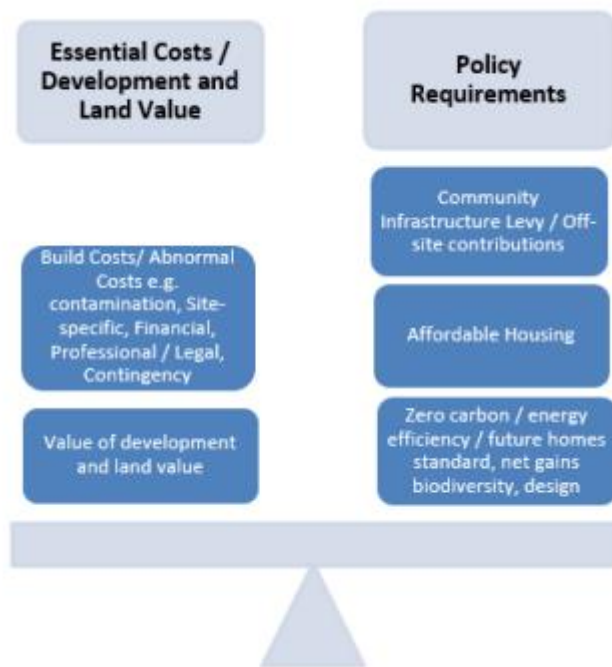


Figure 1: Balancing development essential costs/land value against planning policy requirements

2.4 Deciding the Plan Period

2.4.1 The current Local Plan, adopted in 2011, covers the period 2006 -2026. The Council will need to decide what time period the new Local Plan should address.

2.4.2 The new Local Plan must cover a minimum period of 15 years following adoption and should identify the scale of development and the key locations to meet this need during this plan period. The Council could decide to plan for a longer time frame if it considers it appropriate

to do so. The timetable for production of the Local Plan sets out likely adoption of a new plan by 2025, and so based on this, the minimum plan period for the emerging Local Plan will need to be at least until 2040.

- 2.4.3 Paragraph 22 of the NPPF states “strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery”.
- 2.4.4 The longer time frame would need to be applied where most of the development arising from larger scale developments will be delivered well beyond the plan period, and where delivery of those developments extends 30 years or longer from the start of the plan period. In such cases the authority will need to ensure that their vision reflects the long-term nature of their strategy for the plan or those larger scale developments. It is not anticipated that such visions would require evidence in addition to that already produced to support the plan.
- 2.4.5 Based on these considerations, the Council is proposing that the plan period for the new Local Plan should be 2021 to 2041, to cover a level of contingency in the time taken to adopt the plan.

Question 4 Local Plan Period

Do you agree with the proposed plan period (2021-2041) for the Local Plan?

3. Issues and Options

3.1 Identifying the Issues

- 3.1.1 This Issues and Options report seeks to identify the key issues to be considered in the preparation of a Local Plan for Rutland. However, it is recognised that there are significant constraints to development within the County and the ability to accommodate sustainable new growth at whatever defined level will need to have proper regard to these considerations. Consultation on the new Local Plan will also provide the opportunity for those responding to identify any alternative scenarios that they think the Council should consider.
- 3.1.2 There is likely to be no single way or option to deliver the development needed in Rutland. In terms of development throughout the County, the towns of Oakham and Uppingham and the larger villages could potentially accommodate some, or all, of the development required. As the issues presented in this report show, the potential of some areas is constrained by factors such as highway capacity, landscape sensitivity, flooding, the nature of the existing built environment.
- 3.1.3 When identifying the Issues and Options for growth in Rutland, the Council will need to consider a range of options to address the scale of development by weighing up the social, environmental, and economic impacts of the options. The Sustainability Appraisal (SA) of the plan will help determine this.
- 3.1.4 Government guidance now places weight on the deliverability aspect of a Plan's strategy and the delivery of proposals. In preparing the evidence base for the new Local Plan, the Council will review all the main constraints likely to impact on delivery of development within Rutland identifying where development might be more difficult to achieve, as well as seeking to identify appropriate areas of opportunity.
- 3.1.5 The impacts of future development will also be considered through the ongoing, iterative processes of **Sustainability Appraisal** and **Habitat Regulation Assessment** (to consider the impacts of growth levels on environmental, social and economic factors and on international designated nature sites); **Viability Assessment** to ensure sites and policies are deliverable, **Health Impact Assessment** which is used to identify the health impacts of the Local Plan and to develop recommendations to maximise the positive impacts and minimise the negative impacts, while maintaining a focus on addressing health inequalities and; an **equality impact assessment** to ensure that any policies meet specific needs.
- 3.1.6 Taking into account, all the above constraints and considerations the key issues identified in the table below will need to be addressed. This list is not exhaustive but attempts to set out what will need to be addressed in the new Local Plan.

Identifying the Key Issues

Issue 1	Tackling the climate crisis
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Issue 2	Determining the appropriate level and location of growth
Issue 3	Meeting identified current and future housing needs
Issue 4	Enabling a prosperous and resilient economy, linked to levels of housing growth
Issue 5	Supporting vibrant town centres and a network of local centres to serve local retail and service needs
Issue 6	Enabling safer and stronger communities, supported with viable and accessible community and cultural facilities
Issue 7	Promoting sustainable and active modes of travel
Issue 8	Ensuring new development is well designed to encourage active and healthy lifestyles and address health inequalities
Issue 9	Conserving and enhancing Rutland's historic assets
Issue 10	Protecting and enhancing the County's biodiversity, wildlife habitats, green and blue infrastructure, and open spaces
Issue 11	Addressing minerals and waste requirements alongside environmental considerations
Issue 12	Ensuring development is supported by essential infrastructure and services

The consideration of each of these Issues and the scope of work required for each issue has been assessed by reviewing issues arising from either relevant:

- National planning policy;
- Adopted Local Plan policies;
- Withdrawn local Plan policies;
- Factors emerging from annual monitoring; and
- Relevant evidence reports.

Question 5 Local Plan Issues

Do you agree with the proposed issues to be addressed through the Local Plan?

Question 6

Please let us know about other issues you think the plan should address?

3.2 Strategic Objective 1 - Ensuring new development takes a proactive approach to carbon reduction and that environments and communities in Rutland are adaptable and resilient to climate change, including managing flood risks.

3.2.1 Climate change presents growing risks, globally and also locally in Rutland. It is widely accepted that human activity is the main reason for increased concentration of greenhouse gases and rising global temperatures. Unless steps are taken it will impact not just this but also future generations. Locally, the more visible impacts of rising temperatures include more extreme weather events including flooding. Longer term impacts are also likely to include rising sea levels and increased coastal flooding. The response to the challenge posed by climate change affects many aspects of life and society, a number of which can be influenced positively by the new Local Plan.

3.2.2 The NPPF sets out that plans should “take a proactive approach to mitigating and adapting to climate change taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts such as providing space for physical protection measures or making provision for the possible future relocation of vulnerable development and infrastructure.”

3.2.3 The impact of climate change on health is also significant, caused by extreme heat, severe weather, air pollution, increased allergens and environmental degradation. The different aspects of climate change can impact negatively on health in many ways including heat-related illness, mental health impacts, respiratory disease, asthma and cardiovascular disease .

3.2.4 The Local Plan therefore plays a key role in mitigating and adapting to climate change. The Local Plan will have mitigation of and adaptation to the climate emergency at its heart, forming an overarching theme for the whole document, including:

- tackling climate change by promoting greater energy efficiency, encouraging more use of renewable energy, and managing flood risk;
- promoting sustainable development, its distribution and density, to reduce the need to travel;
- promoting healthy communities, good air quality, open space and green infrastructure;
- promoting green travel, including public transport, walking and cycling and supporting electric vehicle charging points; and
- promoting greater biodiversity.

Reducing energy use and carbon emissions in new buildings

3.2.5 In January 2021, the Government issued its response to the Future Homes Standard consultation. It has more recently introduced an interim uplift to Building Regulations in 2022, which will reduce carbon emissions from new dwellings by 31%. The Government then intends to consult on a full technical specification for the Future Homes Standard in 2023 and will then

introduce the necessary legislation in 2024 before implementing it in 2025. This will reduce carbon emissions for a standard home by 75%-80% and make new homes 'zero carbon ready'. In summary, this means they will not be built with fossil fuel heating; they will be 'future-proofed' with low carbon heating and high levels of energy efficiency; and will not require further retrofitting in order to become zero carbon, as the electricity grid continues to decarbonise. Given the timetable for the Government initiatives against the likely adoption date for a new Local Plan, the Council will need to consider whether it is appropriate to introduce any higher local standards for reduction in CO2. In doing so then consideration would need to be given to the additional cost and impact on the viability of development, when considered alongside other priorities for developer contributions and requirements from new development, such as affordable housing.

Question 7 Reducing energy use and carbon emissions in new buildings

Please indicate which of the option(s) below you think should be included in the Local Plan?

Option A - Plan for net-zero carbon from the adoption of the plan

This would require all new development to be net-zero carbon upon adoption of the plan. This would be at a cost and may affect viability. As a consequence, Rutland may see less affordable housing built and maybe fewer other social and community benefits from development.

Option B - Plan towards meeting net-zero carbon from a stated future date

This would require all new development to achieve net zero carbon from a future date in the plan period, and which might align with the government's timetable for introducing "zero-carbon ready" development.

This could allow time for the development industry to adjust to the higher standards and may mean Rutland secures more affordable housing and community benefits from development

Option C – Do neither of the above, and not set a local target.

This would mean that new development will only have to comply with national building regulation (Part L) requirements (and any subsequent changes to them) in respect of carbon reduction in new buildings

Low Carbon Energy

- 3.2.6 The energy sector nationally is transitioning apace from carbon-based energy sources, such as oil, coal and gas, towards low-carbon and renewable sources such as wind and solar energy, the costs of which are continuing to reduce. Other sources of low carbon energy include energy from waste (including farm waste), hydro power and the use of renewable and low carbon energy in larger public buildings.
- 3.2.7 Planning Practice Guidance emphasises the role of the planning system in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable and is supportive of criteria-based policies that are positively framed. The Local Plan Review could go further and identify specific areas which may be suitable for renewable energy. However, Planning Practice Guidance (PPG) states that LPAs should only

grant planning permission for onshore wind turbines if the development is in an area identified as suitable for wind energy development in their Local Plan, and if, following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and the proposal has their backing.

Question 8 Low Carbon and Renewable Energy Proposals

Please indicate which of the option(s) below you think should be included in the Local Plan?

Option A - Identify areas which might be suitable for development of commercial scale renewable /low carbon energy proposals such as wind, solar or biomass.

This will need to consider technology requirements, impacts on the local environment, landscape, and heritage assets (Note: Government policy requires sites for large scale wind farms to be identified in the Local Plan)

Option B – Set out policy criteria to assess planning applications for renewable and low carbon energy schemes. This will mean determining relevant applications on a case-by-case basis against the criteria instead of providing greater clarity to communities and developers by identifying potentially suitable areas.

Flood Risk

- 3.2.8 Fluvial flooding occurs when surface runoff washes into a river causing the water to breach the riverbanks, the water then overflows into the surrounding area. The risk of this happening in Rutland is generally low, however, surface water is becoming more of an issue in localised areas.
- 3.2.9 Paragraph of the NPPF states that Local Plans should take a proactive approach to mitigating and adapting to climate change which includes the long-term implications of flood risk. Paragraph 161 states all plans should apply a sequential, risk-based approach to the location of development, considering all sources of flood risk and the current and future impacts of climate change. Paragraph 162 sets out the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source.
- 3.2.10The Strategic Flood Risk Assessment (SFRA) will provide the basis for applying this test and the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. This will ensure development is allocated to the areas of lowest flood risk.
- 3.2.11The SFRA will need to be updated. The Council will use the information from this and work with the Environment Agency to help locate appropriate uses to appropriate areas having regard to the vulnerability of the proposed use and the degree of flood risk.
- 3.2.12The withdrawn Local Plan included policies on surface water management, water supply, foul drainage, and sustainable drainage systems (SuDS). These were largely supported by the Environment Agency, Severn Trent Water and Anglian Water; it is considered these policies will provide a useful starting point for developing policies in the New Local Plan.
- 3.1.13The proposed policy approach for the Local Plan is to take account of the latest evidence and proposals relating to flood risk in the assessment of development sites and review existing

adopted planning policies in the light of that evidence. The Council will consult the Environment Agency and seek to update the SFRA in the preparation of the Local Plan

Question 9 Sustainable Drainage

Should the Local Plan require the provision of Sustainable urban Drainage Systems (SuDS) in all new built development unless it is demonstrated to be technically unfeasible?

Question 10 Carbon Saving and climate change suggestions

Are there other carbon saving measures or climate change related policy areas the Council should be considering in the new Local Plan?

- 3.3 Strategic Objective 2: Delivering sustainable development by determining an appropriate level and location of growth in Rutland, sited in locations where people can access jobs and services, and in delivering wider social and economic outcomes, taking account of environmental considerations.**
- 3.3.1 The NPPF states that: “To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals”.
- 3.3.2 The latest (February 2021) calculation of the Local Housing Need (LHN) for Rutland is 129 dwellings per annum, which normally would be round to 130 dwellings per annum. This is the minimum number of houses the Council can use as the basis of preparing the Local Plan. On top of this, it is expected that Local Plans provide a “buffer” to the minimum requirement. This “buffer” is different from that which is prescribed in the NPPF for the calculation of the five-year housing supply. Inspectors will generally expect a buffer of around 10%. A figure less than this would require exceptional circumstances for its justification. Buffers in examined Local Plans have been as high as 69%.
- 3.3.3 The submitted and withdrawn Local Plan for the period up to 2036 included a buffer around 25% to address contingency, market choice and concerns about the deliverability of affordable housing in Rutland. The 2019 Strategic Housing Market Assessment (SHMA) for Rutland, undertaken with sub-regional partners, could provide an alternative approach to determining the minimum number of homes needed. This would take account of current and future demographic trends as well as market signals and provides a detailed assessment of affordable housing need. The Council will undertake an update to the SHMA to support the preparation of the next stage of the Local Plan.
- 3.3.4 Overall, the analysis identifies a need for affordable housing; it is clear that provision of new affordable housing is an important and pressing issue in the County. The evidence does however suggest that affordable housing delivery should be maximised where opportunities arise.
- 3.3.5 The SHMA (2019) indicates that a higher annual requirement is necessary to help to address issues of affordability and recommends a minimum requirement of 190 dwellings per annum. An alternative option would be to set the minimum requirement at 160 dwellings per annum as indicated in the SHMA as being a reasonable requirement taking account of the uncertainty given that the market analysis is linked to forecast economic growth. This is the rate which was proposed in the now withdrawn Local Plan. It is closer to the requirement of the adopted Core Strategy (150 per annum) and reflects the average delivery rates over its plan period. It will also help to deliver more affordable homes than Options A and B below.
- 3.3.6 It is appropriate for the Local Plan Issues and Options report to set out a number of options for housing growth for public consultation whilst ensuring compliance to the NPPF. Clearly, the different options for the scale of housing growth will have differential impacts on economic, social and environmental considerations as well as on infrastructure. The following options are put forward for consideration:

Question 11 Options for the scale of housing growth

Which option do you consider to be most appropriate to include in the Rutland Local Plan as the minimum housing requirement?

Option A – Apply Government LHN of 130 dwellings per annum with a contingency of 10%

This would accommodate levels of house building that accord with current Government requirements. It may mean, however, that Rutland will fall considerably short of meeting all affordable housing needs.

Option B – Apply Government LHN of 130 dwellings per annum with a contingency of 25% This would provide additional contingency, market choice and meet more of the affordable housing need but not all of it.

Option C – Apply the SHMA housing market analysis of 160 dwellings per annum with 10% contingency as a more detailed assessment of housing needs arising from demographic projections. This would potentially result in most affordable housing needs being met.

Option D – Apply the higher position from the 2019 SHMA housing market analysis of 190 dwellings per annum with a 10% contingency – this is likely to fully meet the identified affordable housing needs of the county

Contingency means the additional supply of housing sites which would be required to deliver the minimum requirement as it provides flexibility and choice and allows for the “non-delivery” of some allocated sites.

Question 12

Do you have any alternative suggestions about the housing requirement for Rutland?

- 3.4. **Strategic Objective 2: Delivering sustainable development by determining an appropriate level and location of growth in Rutland, sited in locations where people can access jobs and services, and in delivering wider social and economic outcomes, taking account of environmental considerations.**
- 3.4.1 Paragraph 68 of the National Planning Policy Framework (NPPF) requires that strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Paragraph 79 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 3.4.2 The NPPF supports the placement of housing in town centres and supports a ‘town centre first’ approach to planning for ‘main town centre uses’. It also now incorporates a specific section about making the best use of land which, amongst other things, expects local plans to achieve significantly higher housing densities in town centres.
- 3.4.3 Whilst both the town centres in Rutland may have some potential to realise growth, the size of the town centre and the Conservation areas and residential amenity will need to be considered, so this is unlikely to provide many opportunities for housing. Sites will need to be considered around the edge of both towns which are likely to be greenfield sites. There may be scope for sites within the towns as well. The two main towns of the County are also important locations for jobs, thereby providing the opportunity to align housing growth with centres for economic growth.
- 3.4.4 The settlement hierarchy is an appropriate way to set out the role of settlements and the relative sustainability of settlements. The hierarchy in the adopted Local Plan has six categories as follows:
- Main Town
 - Small Town
 - Local Service Centres
 - Smaller Service Centres
 - Restraint Villages
 - Countryside
- 3.4.5 To meet Rutland’s local housing and employment need and deliver sustainable development within the County, the Local Plan will review the spatial strategy for Rutland and the Settlement Hierarchy to ensure suitable locations for development in Rutland are identified. An assessment of facilities and services in each village will be undertaken and the overall hierarchy will be reviewed and refreshed in the light of the village services survey, as well as the latest national policy in the NPPF. The settlement hierarchy does not in itself determine the appropriate level

of growth a particular settlement can support but does seek to identify the most sustainable places where growth could be directed.

3.4.6 The spatial strategy in the withdrawn Local Plan focussed the majority of new development in the two main towns; a new Garden community; and 10 Local Service Centres (LSCs). The LSCs were identified as villages with sufficient services and facilities to support the allocation of sites for development. A number of settlements were identified as Smaller Villages because they had fewer local services and facilities and were not seen as being appropriate locations for allocations. The methodology for determining which settlements were suitable for allocation was published alongside the withdrawn Local Plan and will need to be reviewed as part of preparing the new local plan. Comments about the methodology should be made using the separate consultation.

3.4.7 It has previously been recognised that land in Rutland on the edge of Stamford could also provide a sustainable location for new development, being adjacent to a market town (albeit in a neighbouring authority's area) with a range of facilities and public transport. This would help to support the sustainable growth of Stamford; in doing so, it was recognised that any development adjacent to Stamford would need to form part of an overall growth strategy for Stamford. This will be considered by South Kesteven District Council through its review of its Local Plan. If this continues to be regarded as a suitable location for development, it would need to be the subject of joint planning between the two authorities.

3.4.8 An allocation is included in the adopted Local Plan for South Kesteven District Council for development at Stamford North, on the basis that any development in Rutland as part of a wider comprehensive urban extension to the north of Stamford would count towards South Kesteven's housing needs rather than Rutland's. The Council has opened up discussions with South Kesteven on the basis that development on the Rutland element of any urban extension to Stamford should count towards Rutland's housing needs and so reduce the requirement for new housing elsewhere in Rutland. The preparation of the new Local Plan for Rutland provides the opportunity to resolve this situation through the development plan system.

3.4.9 The 2020/21 Authority Monitoring Report (AMR) has indicated that the total number of net completions for Rutland is 2522 for the plan period so far (2006 – 2021). This equates to 168 dwellings per annum which is higher than the adopted Core Strategy requirement of a minimum of 150 dwellings per year. The distribution of these completions is as follows:

Rutland County Council	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	Total
Main Towns: Oakham and Uppingham (including Barleythorpe)	60	32	76	31	26	11	30	87	166	160	214	208	127	161	119	1508
	37.97%	25.20%	60.32%	25.83%	21.49%	11.96%	24.00%	50.88%	73.78%	72.73%	86.29%	82.87%	60.19%	87.50%	85.00%	59.87%
Local Service Centres	36	42	7	24	15	31	19	15	10	14	18	34	63	7	4	339
	22.78%	33.07%	5.56%	20.00%	12.40%	33.70%	15.20%	8.77%	4.44%	6.36%	7.26%	13.55%	29.86%	3.80%	2.86%	13.46%
Other villages	62	53	43	65	80	50	76	69	49	46	16	9	21	16	17	672
	39.24%	41.73%	34.13%	54.17%	66.12%	54.35%	60.80%	40.35%	21.78%	20.91%	6.45%	3.59%	9.95%	8.70%	12.14%	26.68%
Net Total	158	127	126	120	121	92	125	171	225	220	248	251	211	184	140	2519

Figure 2: Housing completions in Rutland 2006-2021 by location

- 3.4.10 Approximately 60% of all dwellings were completed in Oakham and Uppingham, which is below Core Strategy Spatial Strategy and Settlement Hierarchy target of 70%. About 13% of all completions occurred in Local Service Centres against an intended target of 20%, with nearly 27% of all dwellings being completed in all other villages against an expected provision of 10% in the Core Strategy. Rates of housing development in all the other villages were particularly high in the period 2006-2016. Housing completions in recent monitoring periods have not met the balance set as a target potentially due to the impact of the COVID-19 pandemic but overall, the monitoring indicates the spatial strategy and settlement hierarchy should be reviewed.
- 3.4.11 Paragraph 71 of the NPPF sets out that where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.
- 3.4.12 The Local Plan will seek to update and review the windfall study to help develop appropriate policies to propose sustainable development within the Local Plan.
- 3.4.13 Paragraph 73 of the NPPF states “that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:
- a) consider the opportunities presented by existing or planned investment in infrastructure, the area’s economic potential and the scope for net environmental gains;
 - b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;
 - c) set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community;
 - d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally led development corporations); and
 - e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.
- 3.4.14 The submitted and now withdrawn Local Plan included a proposal to establish a new community on the site of St. George’s Barracks at North Luffenham. In addition, a separate proposal to establish a new community at Woolfox was assessed but determined to be not deliverable or viable prior to the Council decision in February 2020. Should these, or potentially any other proposals to establish a new community in Rutland, be put forward for consideration within the Local Plan the plan will need to consider the option of whether to provide for meeting identified housing, employment and community needs through a new sustainable community (or communities); Any proposal would need to demonstrate that it is sustainable, viable and deliverable and compliant with the NPPF.

Implications for the spatial strategy within the Local Plan

3.4.15 Applying the Government’s minimum LHN of 130 dwellings per annum for Rutland with the provision of a 10% buffer over a plan period from 2021 to 2041 would equate to a total housing requirement of **2,860 dwellings**. This would be offset by completions since April 2021 and existing commitments through current allocations and permissions.

3.4.16 The table below shows the s current adopted spatial distribution of housing as contained within the adopted Core Strategy and applies the same pattern of distribution to the minimum requirement of 2860 dwellings using the LHN. The Core Strategy provides for 70% of housing taking place in Oakham and Uppingham and 30% taking place across the villages of Rutland (on the basis of 20% in the larger villages defined as LSCs and 10% elsewhere). The distribution in the two towns is on the basis of 80% in Oakham and 20% in Uppingham.

	Requirement 2021-41 (130* dpa + 10% buffer)	Core Strategy distribution	Commitments at 1 st April 2021*	Completions from April to September 2021*	Indicative housing supply to deliver the requirement in line with the Core Strategy distribution **
Oakham		56% = 1602	313	41	1248
Uppingham		14% = 400	30	0	370
Larger Villages		20% = 572	54	0	518
Other Villages		10% = 286	106	3	Indicative provision of an additional 177 dwellings assumed to be delivered through infill/windfall in these villages without proposing allocations in these settlements
County Total	2860***	2860	503	44	2313

Figure 3: Applying existing Core Strategy spatial strategy housing distribution to current minimum housing requirement

* These figures will be reviewed and updated on a regular basis.

** there is scope for some of this supply to be found through an allowance for windfalls in all settlements provided this allowance is justified. For comparison, the submitted and withdrawn

Local Plan included an allowance of 300 windfalls over the plan period 2018-36. This will be updated.

*** no provision has been made regarding the potential development at Stamford North contributing to this requirement for Rutland as there is currently no policy basis for the allocation of this site. It is intended now that any development on the Rutland part of a comprehensive Sustainable Urban Extension to Stamford should count towards Rutland's housing needs and so reduce the requirement for new housing elsewhere in Rutland.

3.4.17 It is appropriate for the Local Plan Issues and Options report to set out a number of options for a relevant and justified spatial strategy to be applied in meeting growth, taking account of the above considerations. At this stage in preparing the Local Plan, relevant options to consider for the spatial strategy would be:

Question 13 Options for the spatial strategy for new housing development

Which option(s) do you consider to be most appropriate to include in the Rutland Local Plan?

Option A - Continuation of the Core Strategy apportionment of growth between the towns (70%) and villages (30%) This would spread planned growth in line with the past spatial strategy.

Option B - Provide a higher proportion of growth in Oakham. This would concentrate more development in the main centre of population in Rutland but would put additional pressure on infrastructure and the local environment.

Option C - Provide a higher proportion of growth at Uppingham This would concentrate more development on the second largest settlement in Rutland but would put additional pressure on infrastructure and the local environment.

Option D - Provide a higher level of growth at Local Service Centres This would propose more development in the larger villages with a range of services and facilities but would put additional pressure on infrastructure and the local environment.

Option E – Provide for meeting growth through a new sustainable community (or communities) This would be dependent on sustainable, viable and deliverable proposals coming forward through the Local Plan. This would ease the pressure of growth for Oakham, Uppingham and Local Service Centres but would put additional pressure on the infrastructure and local environment on the areas surrounding any new settlement(s).

Question 14

If development in Rutland is proposed as part of a sustainable urban extension to Stamford should this count towards Rutland's housing needs and so reduce the requirement for new housing elsewhere in Rutland?

Agree /disagree

Question 15

Do you have any alternative suggestions for the location of housing growth in Rutland?



Issue 3	Meeting identified current and future housing needs
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3.5 Strategic Objective 3: Meeting Rutland’s identified current and future diverse housing needs, including the affordability of housing, through the provision of high-quality new homes.

3.5.1 The Government’s NPPF objective is to significantly boost the overall supply of housing as well as meeting wider development needs. The NPPF confirms that affordable housing should be part of the overall housing mix on sites of 10 dwellings and above and confirms that the definition of ‘affordable housing’ includes:

- Affordable housing for rent.
- First Homes, a government scheme that will provide discounted homes of 30% on the market price to first time buyers
- Discounted market sales housing;
- and “Other affordable routes to home ownership” such as shared ownership, relevant equity loans, other low-cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent).

3.5.2 It is considered the policies in the withdrawn Local Plan will provide a useful starting point for developing policies in the New Local Plan.

3.5.3 The overall need for affordable housing will be quantified through Strategic Housing Market Assessment which will help determine the overall need for affordable housing and the proposed mix of new housing. This will also involve liaising with neighbouring authorities. The assessment will be able to look at the relative contributions that the different affordable housing tenures can make to meeting local needs such as:

- Specialist housing;
- Homes for an ageing population;
- Custom and self-build housing.

Question 16 Options for Housing Mix

Which option do you consider to be most appropriate to include in the Rutland Local Plan?

Option A- Maintain the current flexibility on the different house types/sizes that should be provided by developers and encourage the mix to reflect local needs.

Option B- Set specific requirements for the types and mix of homes that should be provided on development sites, to ensure that new housing more closely matches need.

Affordable Housing

3.5.4 In addition to setting out the overall quantity of affordable housing to be provided, the Local Plan should also ensure that the most appropriate types of affordable housing are provided to help meet local needs.

3.5.5 The current adopted Planning Obligations SPD, alongside national policy and local policy and guidance seeks to deliver 30% affordable housing on sites of 11 or more houses. Sites outside

the parishes of Oakham and Uppingham of between six and ten dwellings inclusive pay a broadly equivalent commuted sum for the provision of affordable housing off-site. The Council's current approach seeks to require that of the affordable homes provided on a site, 33% should be for affordable home ownership (e.g., discounted sale or shared ownership) and 67% for affordable/social rental, subject to viability. This split is not currently set out within Local Plan policy.

- 3.5.6 The affordability of these different types of housing can vary significantly and some are more 'affordable' than others taking into account local incomes and market house prices. Affordable rent homes provided in Rutland are generally rented to tenants at a maximum of 80% of local market rents or the Local Housing Allowance rate, whichever is the lowest. In recent years many shared ownership products have been offered by housing associations (which buy the property off developers), where purchasers buy an initial share of a home, and pay rent on the remaining share, with the ability to buy an increasing share of the home over time. Shared ownership homes are generally more preferable in financial terms for developers as they can be sold with a smaller discount compared to discounted sale and affordable rental homes.
- 3.5.7 The Government is seeking to increase levels of home ownership and is now requiring the first 25% of affordable homes secured through developer contributions to be identified as 'First Homes'. First Homes are to be sold at a discount of at least 30% from the open market value, with a maximum price cap of £250,000 on first sale, to first time buyers with a maximum household income of £80,000. The percentage discount is retained for future purchasers. The NPPF sets an overall minimum site requirement of 10% affordable home ownership.

Question 17 Options for Affordable Housing

Which option do you consider to be most appropriate to include in the Rutland Local Plan?

Option A- Maintain current 67%/33% split between affordable rental and affordable home ownership on development sites and embed this within Local Plan policy.

This option would be supported by the 2019 SHMA which concluded overall that this split between rented and low-cost home ownership is appropriate.

Option B- Increase the proportion of affordable home ownership properties required within the affordable provision on development sites.

This option would recognise the government's strong push to increase levels of home ownership but would not support the Council's strong local priority to increase affordable rent provision nor the level of need outlined in the SHMA.

Option C: Increase the proportion of affordable rent properties required within the affordable provision on development sites.

This option would increase the proportion of affordable homes that would be required to be for affordable rent above the current ratios, and so provide more homes for those most in need.

Self-Build and Custom Build Housing

- 3.5.8 National planning policy requires the Council to assess the demand for self-build and custom build housing in Rutland and to reflect it in proposed planning policies. Self-build and custom build housing has a broad definition in planning legislation and is not limited to the narrow definition of people building their own homes themselves. It can include for example someone

commissioning an architect to design, and then a builder to build a home to their own specification and can also include conversions of buildings where there is substantial building work.

3.5.9 The Council has a legal duty to keep a register of people or groups seeking to acquire a plot for self-building and to have regard to this when carrying out Council functions. It also has a legal duty to grant enough planning permissions for self-build plots to meet local demand in Rutland. Information on the Council's self-build register and the number of plots being granted permission shows that Rutland is meeting the duty in granting enough planning permissions for self-build plots.

Question 18 Options for Self and Custom Build

Which option do you consider to be most appropriate to include in the Rutland Local Plan?

Option A- Encourage self-build development by setting out where it will be supported in principle.

Option B- Consider allocating sites specifically for self-build housing or requiring a proportion of large housing sites to be available for self-builders. This option would ensure more land and plots are available to self-builders. By identifying sites in the Local Plan solely for self-build housing we could help prospective self-builders obtain suitable land. This could potentially be an option for groups of individuals looking to self-build as the Local Plan will only allocate sites capable of delivering a minimum of 10 homes. This would require community groups to help identify potential sites of interest and for landowners to be willing to make sites available for self-builders, potentially at a lower cost than they would achieve on the open market. Some Councils require developers to provide a proportion of plots on their development sites as serviced plots and to make them available to self-builders. This could involve specifying a site size threshold at which developers would be expected to make serviced self-build plots available and would likely require the production of further planning guidance to explain how the policy might work in practice.

Older Person's Housing

3.5.10 Rutland has a significantly older population than regionally and nationally; looking to the future the population of the County will continue to age at a faster rate. A growing older population will likely lead to an increase in those living alone, living in care homes, having a fall and provision of unpaid care. It is important that suitable housing is provided to meet the needs of older people. This could be general market housing such as bungalows or housing that is accessible and easily adaptable, or specialist forms of housing, ranging from retirement apartments to extra care housing, to residential care homes.

3.5.11 The 2019 SHMA identified that the number of older people in Rutland (aged 55+) was expected to increase substantially during the period 2018 to 2036, leading to a need for specialist housing for older people. Given that the number of older people is expected to increase in the future and that the number of single person households is expected to increase this would suggest (if occupancy patterns remain the same) that there will be a notable demand for smaller housing from the ageing population. In addition to homes for an ageing population, the Council's Older People's Accommodation Market Position Statement 2021 projects that existing residential and

nursing care beds, taking account of vacant beds and a new home already with planning consent, will be sufficient until 2025. The annual additional demand from the SHMA 2019 is 16.55 beds (calculated from Figure 5.17), which for the 11 years 2025-36 projects a need for an additional 182 beds. These figures will be revised as and when the Market Position Statement is updated during the course of the preparation of the Local Plan.

3.5.12 There are a number of ways that the Local Plan can help ensure suitable housing is provided to meet the needs of older people. One important factor is ensuring that all new homes that are built are accessible and can easily be adapted as people's needs and mobility change over their lifetime. This helps people stay in their own home as they age if that is their preference. In 2020, the Government consulted on proposals to increase accessible housing, but is yet to publish the outcome of this consultation.

Question 19 Options for Older Person's Housing

Which option do you consider to be most appropriate to include in the Rutland Local Plan?

Option A – To require all or a proportion of new homes to be built to higher Building Regulations for accessibility and future adaptation.

Option B – To identify sites specifically for specialist housing for older people such as support housing or extra care schemes; this policy approach could also consider requiring certain types of housing to be provided on development sites as part of the mix, such as bungalows.

Gypsy & Travellers and Travelling Show People

3.5.13 Government Planning Policy for Traveller Sites (2015) is that local planning authorities should make their own assessment of the need for sites and that Local Plans should include fair, realistic and inclusive policies. They should set pitch targets for Gypsies and Travellers and plot targets for Travelling Show People, setting a 5-year supply of deliverable sites and identifying a longer-term supply of developable sites or broad locations for growth. It set out an outstanding need for both pitches for Gypsies and Travellers and plots for Travelling Show people.

3.5.14 The Council intends to review and update the 2016 Gypsy and Traveller Accommodation Assessment (GTAA) and consider whether the future need in Rutland still arises from the growth of existing families that are already resident in the County. It needs to consider its approach of how to respond to those needs where they arise and consider the scope for the extension of existing sites together with any suitable policy compliant application alongside any new allocations required to meet identified needs. The Council will need to work with stakeholders to ensure that this need is met.

Question 20 Policy Approach for Gypsy & Travellers and Travelling Show People Accommodation

The proposed policy approach in the Rutland Local Plan is to review the findings of the forthcoming Gypsy and Traveller Accommodation Assessment (GTAA), and then if necessary:

- **set a new pitch requirement and**
- **identify sites to meet need identified in the study.**

Do you support this approach to planning for the housing needs of Gypsies, Travellers and Travelling Show People?

Question 21

Do you have any additional suggestions or comments about how the Local Plan can meet current and future housing needs?

Issue 4	Enabling a prosperous and resilient economy
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3.6 Objective 4: Supporting business investment and job creation in ways which are compatible with environmental considerations to maintain a prosperous and resilient economy in Rutland.

3.6.1 The NPPF sets out an economic role for the planning system to contribute to a strong and competitive economy, particularly by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation. It supports a positive approach to all these matters stating that local plans should support a prosperous rural economy through policies that enable:

- the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- the development and diversification of agricultural and other land-based rural businesses;
- sustainable rural tourism and leisure developments which respect the character of the countryside; and
- the retention and development of accessible local services and community facilities.

3.6.2 National policy requires planning policies to encourage sustainable economic growth and should not act as an impediment to it. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of businesses and support an economy fit for the 21st Century. Rutland is a partner of the Great Lincolnshire Local Enterprise Partnership (LEP) and has a close alignment with this LEP in terms of its rural economy, its market towns and the importance of sectors such as agriculture, tourism and food and drink. Specific benefits to the local economy are delivered through the access to services and resources offered by the Greater Lincolnshire LEP and its Business Lincolnshire Growth Hub.

3.6.3 Employment growth has primarily been focused on the existing employment areas within Rutland. The adopted Local Plan Strategy identified a new employment allocation within Oakham and Uppingham and a further small-scale allocation identified within Ketton.

3.6.4 An update to the Employment study in May 2018 set out two scenarios which showed widely differing results. The short term take up scenario (which the consultants recommend as the evidence to support this is more robust) indicates an existing over-supply of employment land in Rutland.

3.6.5 However, the alternative long term take up scenario showed that there is a requirement to provide an additional 25 ha of employment land. The consultants also concluded that: "Rutland County Council should maintain a flexible employment land supply to meet the full range of needs to 2036, provide choice and flexibility in supply, allowing for likely further losses".

3.6.6 The AMR (Authority Monitoring Report) for 2020/21 has shown the adopted Local Plan target for additional employment land and ensuring a continuous supply of general employment land to provide local jobs for sustaining the local economy has been met.

3.6.7 The new Local Plan will enable the Council to consider whether a continuation of this strategy is appropriate or whether alternative options for the provision of employment land and

supporting job creation should be considered. There is also a need to consider how planning policies can support the recovery of the local economy in Rutland following the impact of the Covid 19 pandemic.

3.6.8 A large part of Rutland is rural in nature, and the new Local plan will need to reflect national planning policies to support economic growth in rural areas to promote a strong rural economy. Agriculture remains an important industry in Rutland but there is trend that businesses have begun to diversify away from traditional rural activities through the re-use of buildings for commercial non-agricultural purposes or for tourist activities, such as glamping sites. The Council will need to consider how to encourage local economic growth in rural areas whilst ensuring sustainable development. It is looking to refresh its Economic Development Strategy for Rutland.

Question 22 Options for economic development

Which option do you consider to be most appropriate to include in the Rutland Local Plan?

Option A: Make no additional allocations of employment land on the basis that there is evidence of an existing over-supply of employment land in Rutland.

Option B: Adopt a longer-term approach and allocate land for employment development to maintain a flexible employment land supply.

This would allow the Local Plan to meet the full range of needs, provide choice and flexibility in supply, and help support the recovery of the local economy following the impact of the Covid 19 pandemic.

Options C: Plan for greater growth and inward investment by allocating land in locations which would attract large employers, business park proposals, and maximise the potential of locations adjacent to the A1 to attract new employment to Rutland to enhance the prosperity and resilience of the local economy.

3.6.9 It will be necessary to undertake an Employment Land Review to look at employment land requirements and potential future locations but also take account of the work of the Greater Lincolnshire LEP and link up with their strategies and objectives. This will provide an opportunity to consider whether there are any emerging growth sectors for Rutland's economy and guide on the appropriate strategy for the county for the plan period and consider other options for growth such as the A1 corridor.

3.6.10 The Employment Land review will also need to take account of recent changes to the Use Classes system and permitted development.

3.6.11 The following sites have permission or are committed for employment uses (by allocation in the adopted local plan:

- Land at Uppingham Gate, Uppingham;
- Land off Hackamore Way & Panniers Way, Oakham;
- and Land at Pit Lane, Ketton.

Question 23 Options for Employment Sites within Rutland

Which option(s) do you consider to be most appropriate to include in the Rutland Local Plan?

Option A - Retain all existing allocated employment sites.

Option B - Consider changing the allocation of any sites currently allocated for employment and have not been developed (by site reduction or de-allocation).

Option C - Allocate new sites for employment uses within Rutland.

Option D – Include sites for employment uses within Rutland as part of any major housing proposal or new settlement.

Option E – Allocate new sites for employment alongside the County’s main transport corridor adjacent to the A1.

Question 24 Viability of employment sites

Do you have any comments on the viability and deliverability of the employment sites currently allocated that would prevent them from being allocated within the new Local Plan?

Rutland’s Rural Economy

3.6.12 Rutland hosts a wide range of rural enterprises that vary in size, usually operating in and around the villages. These rural businesses often have strong local connections in terms of origin and a local workforce, but also enjoy the attractive rural environment and the connections to a number of major centres.

3.6.13 A diversity of rural enterprise is essential for the future of Rutland’s local economy. The Local Plan must guide development in a way which ensures that the natural and physical environment remains attractive and also that a local workforce can be provided to service business. In order to support the rural economy, where agricultural buildings are no longer needed for agriculture, they can be converted to provide employment opportunities. Conversions can bring environmental improvements through good sensitive design or general improvements to the wider visual appearance of the area. However, it is also important to consider whether development is appropriate in its location, so that those attracting significant numbers of visitors or employees are located where they can be accessed by means other than the car. Local Planning Policies are required to support farm diversification of agricultural and other land-based rural businesses. Farm diversification schemes such as farm shops, holiday accommodation, and farm-based processing and packaging can help maintain working farms. Enterprise relating to the keeping or breeding of equines are common in the rural areas and form an essential part of the rural economy.

Question 25 Options for Rutland’s Rural Economy

Which option(s) do you consider to be most appropriate to include in the Rutland Local Plan?

Option A: Support and encourage genuine proposals for rural enterprise (such as conversions of existing buildings and limited new build where required) within Rutland's rural areas.

This option would help to facilitate and encourage small-scale employment proposals and help to reduce the need to travel in rural areas.

Option B Allocate sites for small-scale rural employment opportunities.

This option would target specific small-scale employment proposals within the rural area allowing new/established enterprises the scope to grow.

Rutland's Visitor Economy

3.6.14 The visitor economy is an important and resilient part of Rutland's overall economy. There is scope for Rutland to develop its visitor offer to attract more short-stay and long-stay visitors from within the region as well as from national and international locations. Boosting visitor numbers and the amount of money and time they spend in the area will lead to a range of business opportunities as well as supporting investment in the area's natural and historic tourism assets and town centres.

3.6.15 Planning for tourism should ensure that in maximising Rutland's assets there is no harm to the very character, quality and beauty that make them attractive to residents and visitors. It is, therefore, essential that appropriately scaled facilities and infrastructure is in place that support the economic potential that tourism offers whilst protecting the wider environment itself.

Question 26 Options for the Visitor Economy

Which options do you consider to be most appropriate to include in the Rutland Local Plan?

Option A - Concentrate on existing tourist sectors. This option would look to retain and expand existing tourist facilities in Rutland.

Option B Develop new tourist attractions. This option would be to seek and encourage new tourist attractions into Rutland.

Rutland Water

3.6.16 Rutland Water is an important reservoir providing water supplies to the East Midlands and areas to the south and east. It is an internationally important site for nature conservation with a major role as a recreational facility with importance for tourism and the local economy. The reservoir and its immediate surrounds have been designated a Site of Special Scientific Interest, a RAMSAR site and Special Protection Area with national and international importance for passage and breeding waterfowl. As such, it receives statutory protection, and any development will be subject to strict controls to ensure that it does not adversely affect the integrity of the site.

3.6.17 It also plays a major role in providing recreational activities, of both a passive and active nature, such as sailing and water sports, walking, cycling, bird watching, fishing and picnicking and it is recognised that some limited development may be needed to support this role.

3.6.18 The NPPF requires that planning policies should recognise the hierarchy of international, national and locally designated sites of importance for nature conservation. It also seeks to promote a strong rural economy by supporting the sustainable growth and expansion of rural business. This includes supporting rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside.

3.6.19 The policy approach to the Rutland Water has been largely successful since the 1970's in protecting nature conservation interests of the reservoir and retaining the unspoilt and tranquil nature of the area, while accommodating recreation and tourism needs. A Landscape Review of the Rutland Water Area (2019) was undertaken to provide robust up-to-date evidence to underpin the identification of the Rutland Water Area and its boundaries, and the Recreation Areas inset within it, as required by the NPPF. The study provides the evidence and reasoned justification to support the identification of the Rutland Water Area in the Local Plan as a 'valued landscape'.

3.6.20 The current policy approach through the Rutland Water Area designation provides special protection for Rutland Water. Within the defined Rutland Water Area (RWA) around the reservoir and its immediate environs, strategic policy allows for carefully managed limited development of certain specified uses carefully designed and located to ensure that it respects the nature conservation features of this internationally important site and does not have an adverse impact on the landscape and wildlife interests and the general tranquil and undisturbed environment of Rutland Water. Small scale recreation, sport and tourist uses are permitted within five defined Recreation Areas (RAs) around the shores of the reservoir within the RWA where this is directly related to the use and enjoyment of Rutland Water or for operational uses (by Anglian Water) and appropriate in scale, form and design to its location.

3.6.21 This policy approach seeks to permit small scale development within the five defined recreation areas and the wider Rutland Water area for certain specified uses related to the enjoyment of Rutland Water or for operational uses. A wider "Rutland Water Area" has been defined comprising the reservoir and its immediate surroundings where small scale new recreation, sport and tourist facilities developments are limited to those essential for nature conservation or fishing or essential for operational requirements of existing facilities and subject to requirements in terms of location, scale, design and landscape impact.

3.6.22 Camping and caravanning activities are seen to be potentially damaging to the character and setting of Rutland Water and are not permitted in the wider Rutland Water Area nor in the defined Barnsdale or Whitwell Recreation Areas.

Question 27: Policy Approach for Rutland Water

Do you agree with the continuation of the current policy approach to permit small scale development within the five defined recreation areas and the wider Rutland Water area for certain specified uses related to the enjoyment of Rutland Water or for operational uses?

Question 28

Do you have any additional suggestions or comments about how the Local Plan can support a prosperous and resilient economy?"

- 3.7 Strategic Objective 5 Enabling Rutland’s market towns and, their centres in particular, are places for economic and cultural activity with good access to services; seeking to sustain a network of larger villages that serve local needs; and enabling the viability and sustainability of smaller villages and countryside – in ways which protect the County’s heritage, character and identity.**
- 3.7.1 The NPPF includes the principles of retail and town centre development set out in the ‘Ensuring the vitality of town centres’ section. Paragraph 85 continues the ‘town centre first’ principle which recognises centres as being at the heart of communities.
- 3.7.2 The NPPF directs the development of retail and other town centre uses towards town centres in the first instance, and for development outside town centres compliance with the sequential and impact ‘tests’ needs to be demonstrated. Any new applications for retail or other town centre uses on the edge of, or outside of, the defined town centres in the County should therefore demonstrate that there are no sequentially preferable sites available, and that no ‘significant adverse’ impacts will arise on existing defined centres.
- 3.7.3 The NPPF states that local planning authorities should pro-actively promote competitive town centre environments that provide customer choice and a diverse retail offer. The NPPF also advises that policies should define the extent of the town centres and primary shopping areas and set policies that make clear the range of uses which will be permitted in such locations, as part of a positive strategy for the future of town centres. Rutland has two defined town centres in Oakham and Uppingham. The main town centre uses considered suitable for Oakham and Uppingham town centres, based on the NPPF definition, include retail and leisure development (including restaurants, bars, pubs, nightclubs, indoor bowling centres and health and fitness centres) offices, arts, culture and tourism development (including theatres, galleries, hotels and conference facilities).
- 3.7.4 The retail policies in the withdrawn Local Plan were developed based on a study to define Primary Shopping Areas for the authority’s two town centres of Oakham and Uppingham. A Primary Shopping Area is an area within a centre where retail development is concentrated. The area is drawn across the functional town centre area and the Primary Shopping Area boundaries are where retail is focused. The withdrawn Local Plan defined Primary Shopping Areas for the two centres, which is no longer a requirement under the amended NPPF, although the accompanying PPG sets out that authorities can retain them if there is a robust case for doing so.
- 3.7.5 Government policy sets out a threshold of 2,500 sqm gross for developments which require an impact assessment. However, Local Plans can set out a lower threshold where this is considered appropriate. The Core Strategy adopted a lower threshold 500 sqm (gross) for town centre uses outside of the defined town centres. This requires proposal above the threshold to undertake an Impact Assessment which allows the Council to consider the impacts of larger developments on the town centres and will examine the impacts of the proposal on the existing town centre.
- 3.7.6 The Council’s previous policy approach has been aimed towards the retention of existing main town centre uses within centres to ensure that they remain vibrant places and continue to meet retail needs. Whilst this is still considered an appropriate and necessary approach, the

government has made some recent changes to the use classes order and permitted development which need to be considered.

- 3.7.7 In September 2020 the government introduced the new use class (Class E) which replaces and combines the former uses for shops (A1), professional services (A2), restaurants (A3), offices and light industrial (B1), clinics, crèches and gyms. This gives more flexibility for premises in the Class E use class to change use without the need for planning permission. The Council have therefore lost some of the previous controls to retain retail shops.
- 3.7.8 The study of Oakham and Uppingham Town Centre (2021) ensured the withdrawn Local Plan policy approach in respect of town centres was consistent with the requirements of the NPPF and remains up to date. The study also had regard to the changes in national planning policy with the introduction of Use Class E in September 2020 which removed any protection of retail uses in policy terms which was previously afforded by their inclusion in a separate use class (Use Class A1).
- 3.7.9 However in August 2021, the government introduced more changes which will allow premises falling within Class E to be changed to residential without full planning permission. This means that premises in shopping areas could be changed to residential resulting in the loss of a commercial frontage which would previously have been resisted. A process called Prior Approval is still needed which is subject to some limitations and criteria, for example proposals involving re-development of a site or changes of use over (1,500 sqm floorspace) will still require full planning permission. The Council could seek to resist change of use or redevelopment proposals of 1,500sqm where it would affect the vibrancy of the centres.
- 3.7.10 The government has also included a criterion within the prior approval where the building is located in a Conservation Area and would involve a change of use of the whole or part of the ground floor which is to consider the impact on the character or sustainability of the Conservation Area. This could be considered on an individual basis, although it might provide more clarity to identify those Conservation Areas which are traditionally commercial.
- 3.7.11 On this basis it considered the retail policies in the withdrawn Local Plan protect both town centres' overall commercial function to as strong a degree as possible within the framework of the current legislation. It is considered these policies will provide a useful starting point for developing policies in the New Local Plan.
- 3.7.12 The Council will need to update its Retail Capacity Assessment (2016) to consider whether there is a need to provide any retail allocations and whether the town centre strategy for Oakham and Uppingham remains up to date.
- 3.7.13 Further work may be required to update the 2021 Town Centre's study to assess the impact of Covid-19 on Oakham and Uppingham in the long term to consider how Rutland's town centres will develop over the plan period. The town centre's study only provided a 'snapshot' of the policy and legislative position and may require if there are further policy and legislation announcements.

Question 29 - Potential policy approaches for the viability of Oakham and Uppingham Town Centres

Which option do you consider to be most appropriate to include in the Rutland Local Plan?

Option A- Continue with the existing policy approach and update the Council’s evidence base where necessary. The existing approach is well established but requires an updated Retail Study to fully support it. Updating the evidence will also allow an opportunity for recent changes to national policy and guidance and retail trends to be considered.

Option B- Develop a wider strategy to support a range of activity in town centres and take account of the changes in their use.

Question 30 Primary Shopping Areas

Which option do you consider to be most appropriate to include in the Rutland Local Plan?

Option A- Retain the existing primary and secondary areas to protect from change of use to non-retail uses.

Option B- Allow flexibility for more non-retail uses in the defined town centre.

Question 31

Do you have any additional suggestions or comments about how the Local Plan can help to support vibrant town centres and a network of local centres ?

Issue 6	Enabling safer and stronger communities, supported with viable and accessible community and cultural facilities
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3.8 Strategic Objective 6: Supporting all communities across the County to make them safer and stronger.

Strategic Objective 5: Enabling Rutland’s market towns and, their centres in particular, are places for economic and cultural activity with good access to services; seeking to sustain a network of larger villages that serve local needs; and enabling the viability and sustainability of smaller villages and countryside – in ways which protect the County’s heritage, character and identity.

Planned Limits of Development (PLD)

- 3.8.1 The NPPF sets out that to promote sustainable development in rural areas, development (including housing) should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 3.8.2 The adopted plan identifies Planned Limits of Development (PLD) around all but the smallest settlements in the County. The PLDs mark the limit of the built-up areas of towns and villages. Within the PLDs small scale development and the conversion or redevelopment of existing buildings is generally considered to be acceptable (subject to matters of detail). Beyond the PLD development is restricted to countryside uses.
- 3.8.3 This policy approach has been effective and has limited the expansion of Rutland’s towns and villages into the countryside. The use of boundaries to mark the limit of settlements clearly denotes where development might be considered acceptable and where it is unlikely to be accepted, making planning decisions consistent and robust.
- 3.8.4 The current PLDs were defined in 2012 and may need to be reviewed in the new Local Plan to ensure that they are appropriately defined. We should also use this opportunity to consider whether the use of PLDs remains an appropriate approach for determining the location of development.

Question 32

Do you think the approach to defining the limits of development for settlements should be retained?

Question 33

Do you think the current PLDs need to be reviewed?

Question 34

If so, can you identify specific areas where the boundary should be changed and set out your reasons why?

Neighbourhood Plans

- 3.8.5 The Localism Act 2011 gave communities more control and influence over their area and how it should develop. The community-led Neighbourhood Plan is the main tool for doing this. Neighbourhood planning allows residents, employees and businesses to come together through a Town or Parish Council or neighbourhood forum and say where, for example, they think new houses, businesses and shops should be located and what they should look like. It is not compulsory and should not be used as a way to stop development, and plans must be broadly in line with the Local Plan for the area.
- 3.8.6 The Council has a statutory duty to advise and guide the development of Neighbourhood Plans in Rutland. It is keen to encourage local people to develop community-led and community-resourced neighbourhood plans, where local communities consider this appropriate, in order to support the emergence of sustainable communities across the County.
- 3.8.7 Government has not sought to prescribe how local planning authorities should meet their 'duty to support' the preparation of NDPs. The Council's neighbourhood function largely focuses on ensuring both parties are following due process and that it acts as a critical friend on emerging NDP policy. The Council has published guidance has prepared a Service Level Agreement that sets out the technical advice that it can provide and guidance on the role of the Council and local groups in preparing neighbourhood plans. Town or Parish councils preparing neighbourhood plans are asked to sign up to this agreement at the beginning of the process of preparing a neighbourhood plan.
- 3.8.8 National policy requires the Council to identify strategic policies of Local Plan by making clear which Local Plan policies are strategic. This will aid the 'general conformity' process and enable town and parish councils to identify parts of the local plan that may have scope to be altered and added to at a local level. The Council could consider developing a new Neighbourhood Plan policy that sets out conditions that neighbourhood plans will need to pass to be in general conformity with the adopted Rutland Local Plan.

Question 35

How best do you think the Council can advise and guide the development of Neighbourhood Plans in Rutland?

Community Facilities

- 3.8.9 Community facilities and services include facilities such as local shops, meeting places, sports venues, cultural buildings, public houses, places of worship and other local services to enhance the sustainability of communities and residential environments. There are many existing facilities within Rutland's settlements that provide for the health and wellbeing, social, educational, recreational, leisure and cultural needs of the community. Some of these serve a local community, while some serve a wider area or serve a group or cluster of interdependent settlements.
- 3.8.10 To be sustainable, suitable good quality facilities must be provided locally whilst those that attract large numbers of visitors should be accessible by walking, cycling and public transport. Accessibility should also be equitable, ensuring adaptability to the specific needs of different disabilities. This particularly benefits the less mobile and more deprived members of the

community. The provision of local community facilities and services is essential to the quality of life for local residents as they encourage community cohesion and social interaction, healthy lifestyles, improve the 'liveability' of places, provide employment opportunities, and will reduce the need for people to travel to obtain essential services. Key issues to address are building inclusive and healthy communities with good and reasonable access to well-located, high-quality key services and community facilities, protecting existing community facilities, and the delivery of new facilities to meet community needs and promoting healthy lifestyles through support for initiatives such as provision of sports and recreation facilities and improved access to green infrastructure. A key challenge will be to ensure that the correct amount and type of facilities are delivered as part of future growth proposals to meet community needs.

3.8.11 Policies and decisions should aim to achieve places, which promote opportunities for meetings between members of the community who might not come into contact with each other including mixed use developments, strong neighbourhood centres, and active street frontages which bring together those who work, live and play in the vicinity. Policies should also plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

Question 36 Community Facilities

Do you agree/disagree that the Local Plan should protect community facilities in sustainable locations and support the provision of new local community services and facilities alongside new development?

Question 37

Which of the following community facilities should be protected for community use?

- General store/convenience store
- Post Office
- Public House
- Community hall
- GP surgery
- Other (please specify)

Question 38

Do you have any additional suggestions or comments about how the Local Plan can help create safer and stronger communities and support viable and accessible community and cultural facilities?

Issue 7	Promoting sustainable and active modes of travel
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3.9 Strategic Objective 12: Ensuring development is supported by essential infrastructure and services and promotes safe movement and more sustainable modes of travel by enhancing greener travel networks for walking, cycling and public transport.

3.9.1 The NPPF sets out the importance of sustainability in relation to transport, in particular the need to ensure developments that generate significant movements are located where the need for travel will be minimised and the use of sustainable travel can be maximised. The Council recognises that improving accessibility and providing realistic alternatives to car travel in a rural area like Rutland is particularly challenging. Residents without access to a private car can be isolated and have significant issues in accessing employment, education, and training as well as other services and facilities.

3.9.2 The Local Plan will also need to have regard to the NPPF's direction that the residual cumulative highway impacts associated with new development would need to be 'severe' before development could be refused or prevented.

Local Transport Plan 4

3.9.3 The location of new development can have significant impact on achieving sustainable patterns of travel and accessibility. The Council's role as the highway and planning authority is central to meeting the Council's strategic objectives and is primarily guided by the Council's Local Transport Plan (LTP). The Spatial Strategy needs to be designed to reduce need to travel by car through locating development proposals in the most accessible locations.

3.9.4 The Local Plan will need to take account Rutland's fourth Local Transport Plan (LTP4) which runs through to 2036 and sets out the overall strategy and some of the delivery arrangements for transport across the County. The vision of LTP4 is to deliver a transport network and services that:

- facilitate delivery of sustainable population and economic growth.
- meet the needs of Rutland's most vulnerable residents; and
- support a high level of health and wellbeing (including combating rural isolation).

3.9.5 Acknowledging that Rutland is a rural area, and that car travel is inevitable for many households, the following issues have been identified which will need to be addressed:

- how does the Council focus new development in the most accessible or best served locations where journeys can be made by walking, cycling and public transport?
- Need to protect existing valued services and facilities from being lost to other uses.

- Can the Council require large scale development to provide a mix of uses on site and/or show how a range of different uses can be easily accessed from the development by walking, cycling and public transport?
- Consider existing bus routes and accessibility by walking and cycling when assessing sites for allocation and consider ways the Local Plan can promote public transport quality and use through development.
- How does the Local Plan promote the development of high-quality integrated walking and cycling networks which connect people to the places they want or need to go to?
- Can the Local Plan set maximum walking distances from new homes to a range of identified services (including bus stops) – generally 800m is a comfortable walking distance?
- What are appropriate parking requirements for both vehicles and bicycles and how can the needs for electric charging for vehicles and bicycles be met?

Question 39 Options for promoting sustainable modes of travel

Which option(s) do you consider to be most appropriate to include in the Rutland Local Plan?

Option A- Continue with existing approach (Core Strategy policy CS18) to direct development to the most sustainable locations and encourage the use of a range of sustainable travel options. (This would need to be updated to reflect national policy and guidance)

Option B- Include policies which actively discourage the use of private cars.

This might include requiring traffic calming measures in new developments, reducing maximum car parking standards and accepting that the capacity of junctions and routes may be exceeded. As a rural County, there are high levels of car dependency which might make this option difficult to implement.

Option C- Include policies which actively promote sustainable travel (this might include requiring new developments to connect to existing centres and services by high quality walking and cycling network and where practical public transport services or establishing maximum walking distances from new homes to a range of identified services (including bus stops).

Option D- Consider the use of a specific policy which looks to improve walking and cycling connections. This policy could be used to promote walking and cycling routes within new development sites and ensure there are safe walking and cycling links to the nearest services and facilities. It would set out that streets must be designed to be attractive, safe and prioritise pedestrians and cyclists making this a more attractive way to travel.

Option E- Revise parking standards for new developments to reduce the availability of car parking spaces, increase the availability of racks and safe storage for bicycles and increase the availability of electric vehicle charging points. This would also include requirements for electric charging for both vehicles and bicycles.

Question 40

Do you have any alternative suggestions for promoting sustainable modes of travel

Issue 8	Ensuring new development is well designed and encourages active and healthy lifestyles
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3.10 Strategic Objective 8: Ensuring new development and open spaces support health and wellbeing and encourage active and healthy lifestyles.

3.10.1 The environment in which people live can impact on both their physical and mental health and wellbeing. The design of neighbourhoods, homes, places of work, streets and open spaces can support the health and wellbeing of people by enabling healthier lifestyles. It can do this by creating environments and places that reduce health inequalities, promote social interaction and respond to the needs of all ages both within the new development site and surrounding area. Designing places where people can be active, have places to meet and play, seek to design out crime and ensuring that appropriate community and fire safety design considerations are incorporated within new development schemes will contribute to towards the long-term sustainability and resilience of developments.

3.10.2 Whilst the overall health of Rutland’s population is better than the national average there are significant underlying long term health issues and increasing levels of inactivity. The population of Rutland is older than the national average and is projected to continue ageing. There are hidden pockets of deprivation and a large proportion of residents living in rural areas which pose challenges in terms of health and services provision.

3.10.3 The NPPF requires health and wellbeing to be addressed in local planning policy. Paragraph 92 sets out that planning policies and decisions should aim to achieve healthy, inclusive, and safe places which enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs. Examples for how this can be achieved include the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

3.10.4 Locally, there is a role the Local Plan can play to support delivery of the strategic priorities outlined within the Rutland Joint Health & Wellbeing Strategy: The Rutland Place based Plan 2022 - 2027. The overall vision is to nurture ‘safe, healthy and caring communities in which people start well and thrive together throughout their lives’, with the essence of the strategy’s goal being ‘people living well in active communities’. It is therefore crucial the Local Plan aligns and contributes towards achieving the strategic priorities by maximising the opportunity to develop physical environments enabling and encouraging healthy living

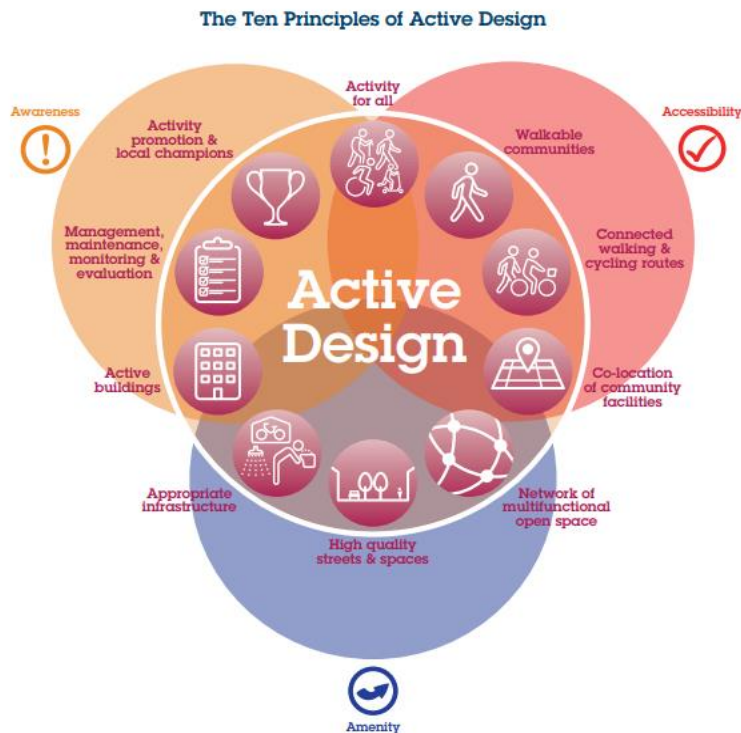


Figure 4: Principles of Active Design

3.10.5 Best practise and guidance for planning healthy places is set out in [‘Building for a healthy Life’](#) and Sport England’s [Active Design](#). The [National Design Guide](#) sets out further detail on promoting social interaction through inclusive design.

3.10.6 The Council has adopted a Design Guide Supplementary Planning Document (SPD); the key aims of this Design SPD are to:

- Establish the expectations for a high level of design and build quality in all development proposals in Rutland;
- Set out the design steps and considerations that planning applicants are expected to undertake; and
- Provide applicants with a clear understanding of good quality design at any scale or type of development, from a new community to an individual home extension.

3.10.7 Health and wellbeing should be considered at the earliest opportunity in the design of new development proposals to ensure health improvement recommendations can be implemented. The Council will need to consider how the new Local Plan can best integrate this to increase the range of long-term benefits to residents. The Local Plan will need to ensure that these principles are integrated into the design policy and promote the use of the Rutland Design Guidelines SPD.

3.10.8 Undertaking a Health Impact Assessment (HIA) as part of the plan making process will ensure this. A HIA is a practical way to identify and assess the effects a proposal may have on the health

and wellbeing of different groups of people. Undertaking a HIA in relation to the development plan can help judge the likely health impacts of that proposal , covering healthcare, health behaviours, social, economic and environment factors. Social, economic and environmental factors contribute approximately 50% of what makes us healthy. The completion of a HIA will help ensure any positive health impacts are achieved and negative health impacts minimised.

Question 41 Options for Health and Wellbeing

Which option(s) do you consider to be most appropriate to include in the Rutland Local Plan?

Option A: Require new development to demonstrate how health and wellbeing principles are incorporated within the proposal

Option B: Require a Health Impact Assessments to be provided by applicants for specific development, depending on the scale and type of proposal.

Question 42 Health Impact Assessment

What factors (including scale and type of development) should be considered when deciding whether a Health Impact Assessment is required?

Question 43 Design

Which option do you consider to be most appropriate to include in the Rutland Local Plan?

Option A: Reference the Rutland Design Guide Supplementary Planning Document (SPD) in design policies to provide clear guidance in how to achieve high standards of design and build quality.

The SPD will be used to provide design guidance for a wide range of design related issues including those that could enhance the health and wellbeing of the future community of new developments and create places that are resilient to climate change.

Option B: Include more detailed design requirements in the design policy.

Going beyond the current policy approach, additional design requirements could be set out for specific policy areas and additional design criteria could be included for large developments. Policy will specify that 'Building for a healthy Life' will be used to assess the design of new development.

Question 44

Do you have any additional suggestions or comments about how the Local Plan can help to ensure that new development is well designed and encourages active and healthy lifestyles ?

Issue 9	Conserving and enhancing Rutland's historic assets
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3.11. Strategic Objective 6 Protecting and enhancing Rutland's varied and high-quality environment, including its natural landscapes, green infrastructure and biodiversity, as well as its rich historic built environment and cultural assets.

3.11.1 Rutland has a rich built and historic environment with many attractive stone-built villages and two historic town centres that provide a distinctive local character to the area. There are 34 designated Conservation Areas, 16 Article 4 Directions and approximately 1,700 listed buildings that are afforded statutory protection and two Registered Parks and Gardens at Burley Park and Exton Park. One of the core land use principles established in the NPPF is that planning should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations. The guidance is set out in the NPPF (paragraphs 189-208).

3.11.2 The NPPF requires plans to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. It recognises that heritage assets are an irreplaceable resource and demands they are conserved in a manner appropriate to their significance, which should take into consideration the wider economic, social and environmental benefits that the historic environment can bring.

3.11.3 These heritage assets play an important part in the local character and identity of the County. It is important that both designated and non-designated heritage assets are recognised and protected and wherever practical enhanced by development.

3.11.4 The Council will need to consider how the new local plan can best plan for conservation and enhancement of Rutland's heritage assets whilst still achieving the growth that is needed, this includes addressing the issue of the impact of renewable energy proposals on the historic environment. The Historic Environment PPG encourages the development of specific policies in relation to use of buildings and design of new development and infrastructure. The withdrawn Local Plan included policies on the historic and cultural environment and protecting historic assets.

3.11.5 These policies were largely supported, through consultation and it is considered these policies will provide a useful starting point for developing policies in the New Local Plan.

Question 45- Possible policy approach for the protection of historical assets

Which option(s) do you consider to be most appropriate to include in the Rutland Local Plan?

Option A – To refresh and update local policy further in line with the NPPF including a strategic policy for the conservation and enhancement of the built and historic environment.

Option B - To resource the updating of the historic environment evidence base including conservation area management plans and appraisals and identified assets of local historic importance.

Option C- To consider the wider use of Article 4 Directions (which can be used to remove some development rights) to help control the erosion of an area's heritage and character.

Question 46

Do you have any additional suggestions or comments about how the Local Plan can help conserve and enhance Rutland's historic assets?

Issue 10	Protecting and enhancing the County's biodiversity, wildlife habitats, green and blue infrastructure, and open spaces
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3.12 Strategic Objective 6: Protecting and enhancing Rutland's varied and high-quality environment, including its natural landscapes, green infrastructure and biodiversity, as well as its rich historic built environment and cultural assets.

Biodiversity

3.12.1 National policy guidance on conserving and enhancing the natural environment and the criteria that will apply to sites of national and international importance for biodiversity and geological conservation is set out in the NPPF. Paragraph 179 sets out to protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national, and locally designated sites of importance for biodiversity; wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration, or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

3.12.2 The Council has a legal duty to conserve biodiversity. A key role for the Local Plan is to ensure that future growth, especially in terms of housing and the economy, can take place without damaging the high-quality environment. If impacts are unavoidable then the Council must make sure mitigation is put in place to reduce any harm. This is particularly important in relation to the internationally protected habitats and species designations

3.12.3 Green (vegetation) and blue (water) assets together form a network which brings a wide range of benefits in addition to the habitats they provide. Rutland has 19 Sites of Special Scientific Interest (SSSIs) including Rutland Water which, as an internationally important wetland for wintering and passage wildfowl, is also designated as a Special Protection Area (SPA) and Ramsar site. There are 284 local wildlife sites and important areas of calcareous grassland and ancient and broadleaved woodland in the county.

3.12.4 The New Local Plan will need to ensure that development does not threaten these habitats, including through climate change adaptation and mitigation, and to create new open spaces and/or improve the quality of existing open spaces to meet local recreation and ecology needs more effectively.

3.12.5 Government policy encourages biodiversity net gain to be sought through planning policies and decisions. Biodiversity net gain should deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development and can be achieved on or off

site. One of provisions of the Environment Act (2021) is the mandatory requirement for new developments to provide 10% biodiversity net gain. The Council will take into account this requirement in preparing the Local Plan and set out further details required to provide clarity over the requirements and how they relate to the County.

3.12.6 The Council will need provide new evidence on biodiversity and wildlife for the County as the existing evidence is limited and dated. This will provide an opportunity for the Council to consider how the new Local Plan can best plan for the protection and enhancement of Rutland's biodiversity while still achieving the growth that is needed and develop Local Nature Recovery Strategies. The council will also need to ensure that the new Local Plan meets the requirements of the Environment Act 2021, particularly in relation to meeting Biodiversity Net Gain targets.

3.12.7 In addition, there is a specific process, a Habitat Regulations Assessment (HRA), for testing the impacts of the proposed Local Plan Review strategy on the integrity of the European nature conservation sites in and close to Rutland. This process requires cumulative impacts to be assessed which take account of development in other Counties and districts adjoining Rutland. The council will appoint consultants to undertake this technical assessment which is ongoing throughout the plan making process.

Question 47 Biodiversity

Which option do you consider to be most appropriate to include in the Rutland Local Plan?

Option A - Review and update existing Local Plan policies to take full account of national planning policy and guidance, and the Environment Act, (this would include a clear statement of the mitigation hierarchy; the requirement for 10% net gain in biodiversity; and support for the development of a Local Nature Recovery Strategy covering Rutland as it relates to requirements from new development.)

Option B - Consider a mapping exercise to record a biodiversity baseline for Rutland and identify locations where there are opportunities to improve or restore existing wildlife habitat and create new habitat to strengthen the ecological network across the plan area.

This would help provide guidance on how Rutland County Council can meet the requirement of the Environment Act.

Open Spaces, Green and Blue Infrastructure

3.12.8 The need to increase physical activity is being more clearly recognised especially in the health, planning and urban design sectors. A well-designed neighbourhood will encourage people to increase the amount of physical activity they do. It can be encouraged through safe walking and cycling routes and good access to sports, recreational and play facilities along with other green spaces.

3.12.9 National policy recognised the importance of providing access to a network of high-quality open spaces and opportunities for sport and physical activity for the health and well-being of communities. This can also deliver wider benefits for nature and support efforts to address climate change. It sets out planning policies should be based on robust and up-to-date assessments of the need for open space, sport, and recreation facilities and opportunities for new provision. Information gained from the assessments should be used to determine what

open space, sport and recreational provision is needed, which plans should then seek to accommodate.

3.12.10 National policy also protects the existing open space, sports and recreational facilities from development unless there it can be proven to be surplus, replaced elsewhere or the benefits outweigh the loss of the current use.

3.12.11 To ensure the Council's evidence is up to date and a new Open Space Assessment is being commissioned which will inform the policy in the Local Plan and developer contributions. In addition to this a Play Pitch Strategy for Rutland will be commissioned to assess the current provision and identify existing and future requirements for different types of sports pitches and facility enhancements.

Question 48 Options for Open spaces

Which option(s) do you consider to be most appropriate to include in the Rutland Local Plan?

Option A: Continue with existing approach which includes a standard for open space provision by large scale developments and update the evidence base.

The withdrawn Local Plan set out the updated provision standards per 1000 population for each type of open space. This is a well-established approach and would be supported by updated Open Space Assessment evidence. The policy also sets out standards regarding the accessibility and quality of the open space provision.

Future needs would also be derived from the latest Playing Pitch Strategy (or equivalent) for sports related facilities.

Option B: Set no specific standards but require provision to be delivered in line with the Council's most up to date evidence.

This approach would help to future proof the policy throughout the life span of the Local Plan (given that Sport England recommend that open space and playing pitch evidence is updated every 3 years).

Option C: Set out additional development criteria for new green infrastructure provision

Alongside either Option A or B, additional criteria could be developed which sets out requirements of open space provision. For example, this could include making sure that it is located to maximise its accessibility for all or designed to encourage different groups of people to exercise.

Question 49 Options for the protection of Green and Blue Infrastructure

Which option do you consider to be most appropriate to include in the Rutland Local Plan?

Option A: Continue with existing policy approach to protect identified open space and sports facilities from development

Local Plan policy sets out that the existing green infrastructure network will be safeguarded, improved and enhanced by further provision to ensure accessible multi-functional green spaces by linking existing areas of open space identified open space and sports facilities.

Option B: Develop a Green and Blue Infrastructure (GBI) strategy for the protection, enhancement and management of the Green and Blue Infrastructure network.

Identify and map the GBI assets of Rutland. Strengthen the existing policy approach by developing a strategy to establish potential opportunities to protect and improve the management of green and blue infrastructure assets, establish a network of multi-functional green space and create new linkages between existing assets.

Question 50

Do you have any additional suggestions or comments about how the Local Plan can help protect and enhance the County's biodiversity, wildlife habitats, green and blue infrastructure, and open spaces?

Issue 11	Addressing minerals and waste requirements alongside environmental considerations
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3.13. Strategic Objective 11: Ensuring a steady and adequate supply of minerals to meet national, regional and local needs whilst taking account of impacts on environments and local communities.

3.13.1 Minerals play a vital role in society. Aggregates and other types of construction minerals are needed to build homes, factories, offices and transport infrastructure. Other minerals are used in industry, food production and agriculture. Energy minerals like oil and gas provide the country with power and heating. Whilst seeking to deliver development, increase quality of life, and create sustainable communities, it is essential that the Council plans appropriately for minerals. Doing so ensures that the need for minerals by society and the economy, together with the impacts of extraction and processing on communities and the environment are managed in an integrated way.

3.13.2 Rutland's minerals resources are predominantly found in the eastern half of the county and consist mainly of Lincolnshire Limestone and siliceous clay. Whilst there are some isolated pockets of sand and gravels around the edge of the county (particularly the Welland Valley), these have not previously been worked.

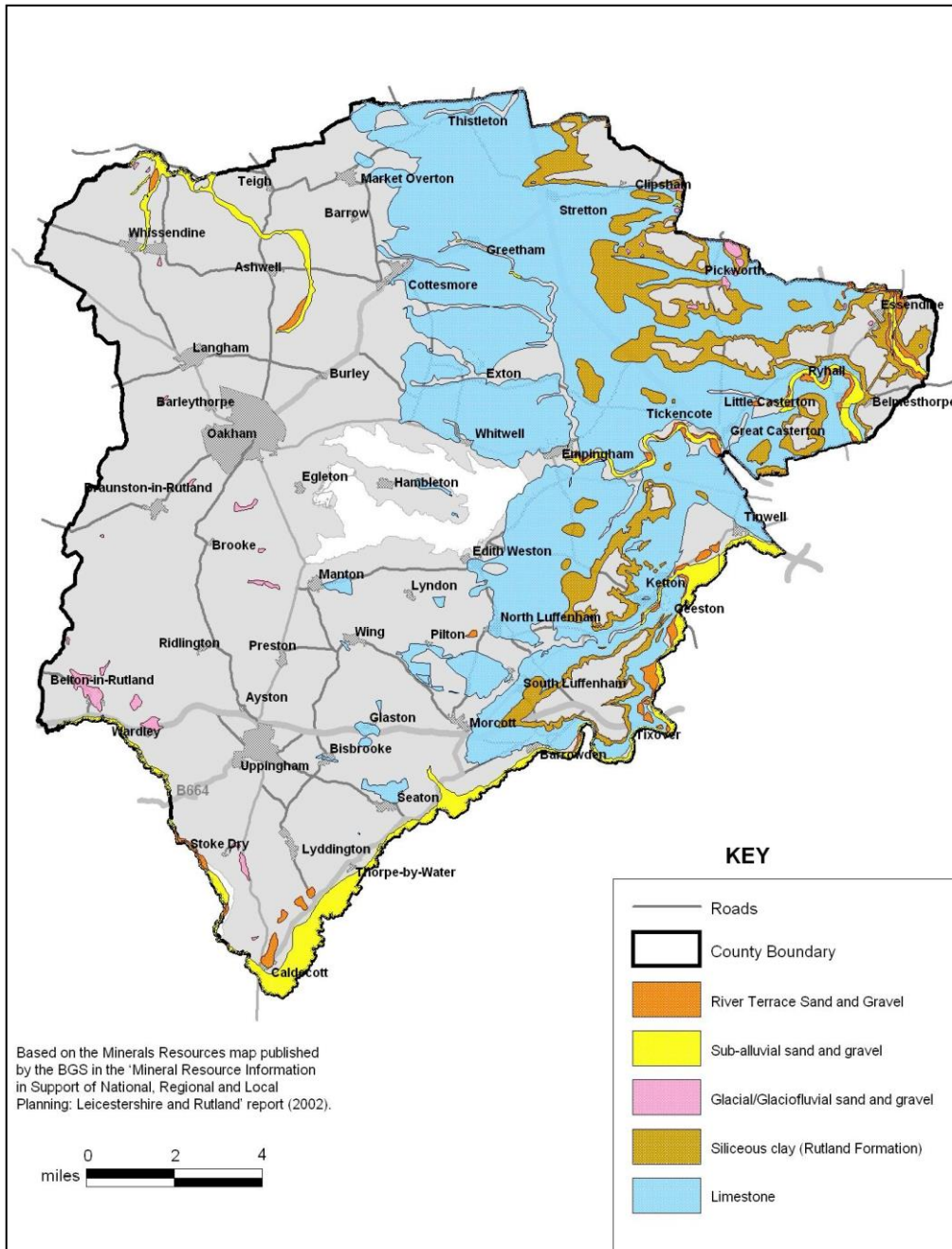


Figure 5: Rutland’s mineral resources

Ensuring an Adequate and Steady Supply of Minerals

3.13.3 There is a clear national policy to maintain an adequate and steady supply of minerals, particularly aggregates, to meet local as well as national needs. Limestone is the main type of mineral extracted in Rutland and has historically been the most important mineral resource, in terms of economic value, found in Rutland. Limestone is utilised as a source of crushed rock for uses such as constructional fill, roadstone and concrete and also for non-aggregate purposes including building stone, agricultural use, and cement manufacture.

3.13.4 To identify future requirements and demand for aggregates the Council has to prepare a Local Aggregate Assessment (LAA) that is updated each year. Future supply and demand are based on a rolling average of 10-year sales data and other local information. It looks at all supply

options include the availability of secondary or recycled aggregates as well as imports and exports. The latest LAA is currently being prepared and will be available for the Preferred Options stage. The LAA will help to inform identification of an annual provision rate for aggregates to be set out through the Local Plan, and that the plan should seek to identify sufficient sites to deliver the plan's needs. The most recent LAA (reporting on 2020 data) identified ten and three-year sales averages for limestone aggregate (crushed rock) of 0.24 million tonnes (Mt) and 0.33 Mt respectively.

3.14.5 The NPPF sets out clear policy requirements in relation to a number of minerals. It requires the maintenance of landbanks of at least 7 years for sand and gravel, 10 years for crushed rock, 10 years for silica sand sites (more in some circumstances) and 25 years for clay. It also requires the Council to consider how to meet the demand for minerals for the repair of historic assets.

Question 51 Supply and demand for minerals

Do you have any views on factors that may impact on the supply and demand for mineral resources in Rutland that should be taken into account as part of preparing the Local Plan?

Efficient and Sustainable Use of Minerals

3.14.6 As minerals are a finite resource, the Council needs to ensure that they are used in a way that is appropriate, efficient, and sustainable. This can be done by encouraging the re-use and recycling of suitable materials to help reduce the amount of primary mineral extraction. This is supported by national policy and guidance. In doing so, there is a need to take into account the contribution secondary and recycled minerals make to the overall supply. Recycled and secondary minerals are those that, after processing or treatment, can potentially be used to substitute for primary or land-won aggregate and provide a more sustainable source of aggregate for construction. They may be derived from processing of construction, demolition and extraction waste (CDE) (recycled aggregate) or may be by-products of mineral extraction or processing, or industrial processes (secondary aggregate). Nationally, over 72 million tonnes of recycled and secondary aggregate material were produced in 2017, representing 29% of the British aggregates market.

3.14.7 Information on the amount of available recycled and secondary aggregates being produced in the area is variable and not considered to be completely reliable. It is therefore difficult to accurately assess the role that they play in aggregate supply and demand. In many cases CDE waste is processed on site using mobile plant and then either reused on site or taken direct to other construction sites for use. Collecting information from these sites is extremely difficult because of their temporary nature. However, the Local Aggregate Assessment will monitor production levels.

Question 52 Efficient and sustainable use of minerals

Do you have any views on how the most efficient and sustainable use of minerals resources can be secured through the Local Plan?

Safeguarding Mineral Resources

- 3.14.8 Minerals can only be worked where they are found. Therefore, the Council needs to make sure that proven resources are not needlessly sterilised by other types of surface development. The pressure on land from varying uses means that the Local Plan will need to set out an approach for safeguarding mineral resources to ensure that they are available to meet the future needs. This means defining Minerals Safeguarding Areas (MSAs) that highlight the presence of proven mineral deposits that are, or may become, of economic importance. It does not mean that it will necessarily be worked, nor does it rule out other types of development. It means that the presence of the resource needs to be taken into account by the Council in making decisions on planning applications and by developers when putting together proposals.
- 3.14.9 The Council could seek to define buffer zones around MSAs and consider the use of policies that support prior extraction of minerals. National Planning Practice Guidance on minerals and the BGS Guidance set out advice on how MSAs should be defined.
- 3.14.10 As well as mineral resources, national policy also requires the Council to safeguard infrastructure associated with minerals processing, handling, storage and transportation within the Local Plan.

Question 53 Safeguarding minerals resources

Do you have any comments on the approach that the Local Plan should take towards safeguarding mineral resources and infrastructure, specifically:

- a. Which of Rutland’s mineral resources do you consider should be safeguarded in the Local Plan?**
- b. Should defined Mineral Safeguarding Areas cover the full extent of the available resources or should it exclude built up areas?**
- c. Should buffer zones around Mineral Safeguarding Areas be used and should there be any distinction made between different mineral resources and the buffer distances that apply? Suggestions are welcomed regarding the extent of buffer zones.**
- d. Which, if any, mineral-related infrastructure in Rutland should be considered for safeguarding in the Local Plan?**

Managing the Impacts of Mineral Development

- 3.14.11 As well as ensuring a steady and adequate supply of minerals, their efficient use, and safeguarding key resources and infrastructure, the Council needs to make sure that the impacts of all types of minerals development including extraction and processing on their surroundings are managed appropriately. The Local Plan will need to include policies to manage the impact of all forms of development, including minerals, on the wider environment and communities.
- 3.14.12 The Government’s Planning Practice Guidance sets out some of the environmental considerations that need to be taken into account when assessing proposals for minerals extraction. Examples include noise, dust, air quality, lighting, traffic, landscape, and flood risk.

3.14.13 Mineral extraction tends to be a temporary use of land, albeit one that can last for a number of years. National policy seeks to ensure that the Local Plan sets out policies to encourage the reclamation of former minerals workings at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place.

Question 54 Managing the impact of mineral development

Which option do you consider to be most appropriate to include in the Rutland Local Plan?

Option A: Set out specific policies in the Local Plan for managing the impacts of mineral development on the wider environment and the restoration/after-use of mineral workings.

Option B: Set out general policies in the Local Plan for managing the impacts of all forms of development, that proposals for mineral extraction would also need to address, with separate policies to address matters such as restoration which are specific to minerals development.

Option C: Do not include specific policies on managing the impacts of mineral development on the wider environment and the restoration/after-use of mineral workings. This would result in us relying on higher-level national planning policy.

Sustainable Waste Management and Meeting Waste Management Needs

3.14.14 Nearly all activities create waste, whether it is through the production or consumption of goods and services as part of the economy and wider society. This means that it needs to be managed in the most appropriate and sustainable manner. Waste is viewed as a resource rather than something that is to be disposed of, whilst its management is seen as being a part of efforts to reduce carbon emissions and combat climate change. Government policy set out in the National Waste Strategy (2013) clearly points towards a zero-waste economy. This means that material resources like waste are re-used, recycled or recovered, wherever possible, and only disposed of as the last option. This contributes to developing a place that is cleaner and greener.

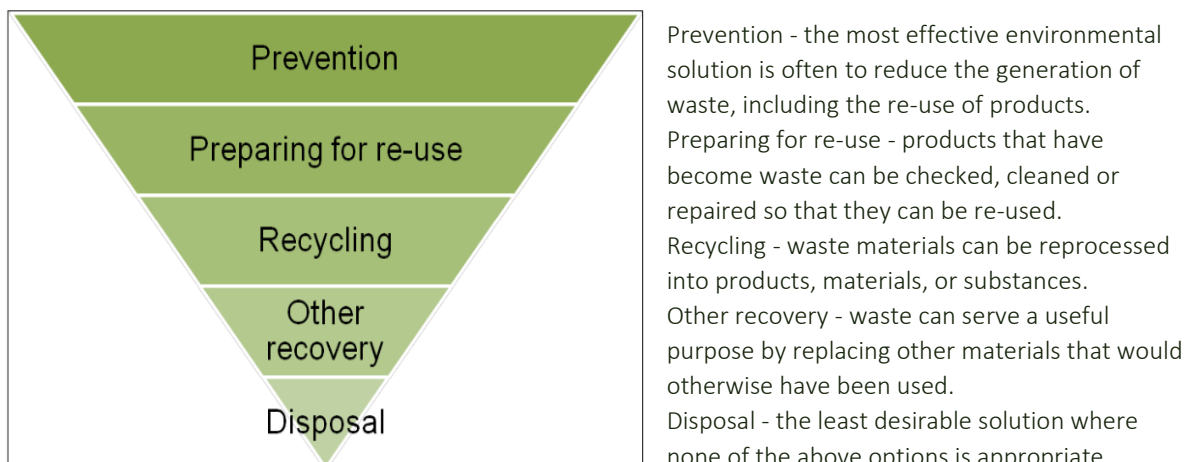


Figure 6: The waste hierarchy (Source: National Planning Policy for Waste, Appendix A)

- 3.14.15 In a similar vein to the NPPF, the National Planning Policy for Waste (NPPW), stresses a positive approach to planning for waste management and delivering sustainable development in accordance with the waste hierarchy. This prioritises the options for managing waste in order according to their environmental impact.
- 3.14.16 Waste arising from Rutland are relatively low when compared to other authorities. Previous estimates indicate that Rutland produces around 0.120 Mt of waste, comprised of the principal waste streams: municipal; commercial and industrial; construction, demolition, and excavation; and hazardous. The level of arisings and land use context may impact on the appropriateness and viability of some forms of waste management, and their scale. Most of the waste produced in Rutland is exported to surrounding authorities where it undergoes processing in preparation for recycling and reuse (including composting and inert recycling), is otherwise treated, or disposed of to landfill. Previous estimates indicate a total recovery rate of around 80%.
- 3.14.17 The NPPW requires Local Plans to identify sufficient opportunities to meet the identified needs for managing waste in their area. This should be achieved by driving waste management up the waste hierarchy, provided this does not endanger human health or harm the environment. Plans are also required to provide a framework within which communities and businesses are engaged and take responsibility for their own waste in line with the ‘proximity principle’.
- 3.14.18 The evidence base, when developed, will provide us with an understanding of how much waste will need to be managed now and in future years together with the capacity and type of facilities Rutland needs, or will need, to do so. The outcome of this work and any policy approach developed in the Local Plan will need to factor in the impacts of national and local targets for waste recycling, recovery, and re-use in the type and nature of facilities needed.
- 3.14.19 As part of developing the Local Plan’s evidence base, the Council will look closely at waste movements to/from Rutland and examine capacity elsewhere as part of the ongoing Duty to Co-operate with other waste planning authorities.

Question 55 Minimising waste

Do you have any comments on how the Local Plan should seek to meet Rutland’s waste management needs?

Location of New Facilities

- 3.14.20 National planning policy requires the Council to identify suitable sites and/or areas for sustainable waste management. The NPPW sets out the type of locations that the Local Plan should consider for new waste facilities as well as guidance to assist us in determining the suitability of sites. Appendix B of the NPPW also provides a list of criteria that can be used to assess sites for inclusion in Local Plans.
- 3.14.21 These criteria include: the protection of water quality and resources as well as the management of flood risk; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air emissions, including dust; odours; vermin and birds; noise, light and vibration; litter; and potential land use conflict

3.14.22 The Local Plan will build on this approach and will consider within the local context. The location of any new waste facilities in Rutland will need to be broadly related to the chosen spatial strategy as well as the area's settlement pattern. The Employment Land Review (ELR) and Call for Sites process should assist us in helping to identify potentially suitable sites. The Waste Needs Assessment will also provide a good overview of existing facilities and capacity.

Question 56 Options for Identifying Sites for Waste Management

Which option do you consider to be most appropriate to include in the Rutland Local Plan?

Option A Identify specific sites or locations in the Local Plan for sustainable waste management facilities.

Option B Use criteria-based policies to ensure that sustainable waste management facilities are developed in the most sustainable and appropriate locations.

Option C Do not include any specific sites/locations or criteria-based policies and rely on national policy

Managing the Impacts of Waste Development

3.14.23 It is essential that the Local Plan balances the need for new waste management facilities with their potential impacts on the wider environment and, in particular, on nearby communities. The Local Plan has to make sure that existing or proposed waste management facilities or sites/areas identified for such facilities are not impacted upon by non-waste development. The NPPW provides guidance for decision-makers on planning applications for both waste and non-waste development. The policy approach to be adopted in the Local Plan will need to build on this.

Question 57 Options for Managing the Impact of Waste Development

Option A - Set out specific policies in the Local Plan for managing the impacts of waste development on the wider environment.

Option B - Do not include specific policies on managing the impacts of waste development on the wider environment and rely on higher-level national planning policy.

Question 58

Do you have any additional suggestions or comments for addressing minerals and waste requirements in the Local Plan?

3.15 Strategic Objective 12: Ensuring development is supported by essential infrastructure and services and promotes safe movement and more sustainable modes of travel by enhancing greener travel networks for walking, cycling and public transport.

3.15.1 The provision of appropriate infrastructure is an important theme running through national policy. Paragraph 26 requires effective and ongoing joint work with relevant bodies in order that additional infrastructure needs are understood, and paragraph 34 requires Local plans to set out the types of infrastructure provision needed to support the delivery of the Local Plan.

3.15.2 It is important to understand what existing infrastructure is available, and whether it may need to be improved or extended to support new development. The Council will work with infrastructure partners to develop a clear understanding of what infrastructure capacity is available and what will be needed to support new development and use this information to develop an Infrastructure Delivery Plan to sit alongside the Local Plan.

3.15.3 The Local Plan needs to ensure that there is appropriate access to services such as education and healthcare; those utilities, such as power and telecommunications have capacity to supply development and that the physical infrastructure such as open space meets needs arising from the development proposed by the plan.

3.15.4 The Plan will include policies to cover specific types of infrastructure such as water and wastewater, Sustainable Drainage (SUDs), transport and open space but there is also a need to set out what how other infrastructure needs will be addressed.

3.15.5 Rutland is a Community Infrastructure Levy (CIL) charging authority which means that a levy is charged on eligible new developments (housing, retail and some commercial developments). The Council decides how it spends the money it receives from CIL on improving infrastructure. The CIL replaces the use of individually negotiated S106 agreements towards off site, strategic infrastructure.

3.15.6 Development proposals should deliver the necessary on-site infrastructure required to support new development. Such infrastructure will most likely include services such as power, water supply and wastewater disposal, Sustainable Drainage (SUDs), digital services, transport and open space. Strategic infrastructure improvements such as health care, education and community halls will generally be covered by Community Infrastructure Levy. However, it is important to understand that the CIL money on its own will not be sufficient to fund all infrastructure needs identified.

3.15.7 The extent to which an area is currently and can be served well by infrastructure is an important consideration in determining where to locate development and, how much and the type of uses suitable in any location. Current levels and quality of infrastructure (including roads, public transport, utilities and access to community, health, education and leisure facilities) are often regarded as constraints to new development.

3.15.8 The Council will need to consider how the new local plan can best plan for infrastructure needs arising from the growth and development proposed within it – this will be largely driven by the scale and location of development proposed. CIL funding alone is unlikely to be sufficient to

provide all infrastructure needs identified and the Council will need to prioritise the expenditure of CIL to deliver critical and essential infrastructure first.

3.15.9 Further evidence will be gathered to identify the likely impacts of growth options and site-specific impacts for infrastructure. Cumulative as well as site-specific impacts must be considered and addressed. Infrastructure needs arising from the planned growth set out in the new Local Plan will be identified in the Infrastructure Delivery Plan (IDP).

3.15.10 Alongside the IDP the Council will need to undertake new viability testing of the policies and proposals in the plan ensuring that the cumulative impact of policies, CIL and development costs do not make development unviable.

Question 59 Options for funding Infrastructure improvements

Which option do you consider to be most appropriate to include in the Rutland Local Plan?

Option A: Continue with a dispersed strategy for new development and allocate CIL funding to projects across the County.

This will spread the available funding to more places but will spread it more thinly meaning that there may not be sufficient funds to fund everything. It will also make it more difficult to deliver a strategic approach to infrastructure investment.

Option B: focus new development in a single location where the benefits of infrastructure investment can be concentrated.

Economies of scale would mean that new/improved education, healthcare and utility infrastructure could be provided as part of a major development concentrating funds in a single location and reducing pressure on existing infrastructure elsewhere in the county.

Option C: focuses new development on areas where there is existing capacity or certainty about the delivery of infrastructure improvements.

This would result in an infrastructure led approach to the selection of development sites and settlement hierarchy.

Option D: Develop a priority plan for new /improved infrastructure based on an assessment of need (critical, necessary, and desirable) and timing. This would recognise that CIL funding alone is not sufficient to deliver all infrastructure improvements and will help to focus the investment plans of other agencies and support funding bids to government and other agencies.

Question 60: Prioritisation of Infrastructure

If the Council has to prioritise its spending on infrastructure which of the following requirements should be given priority?

- **Affordable Housing**
- **Schools**
- **Healthcare**
- **Open space**
- **Leisure facilities**

- **Cultural facilities**
- **Road improvements**
- **Public transport**

Ensuring new development includes on-site infrastructure and services

3.15.11 The withdrawn Local Plan included policy requirements for each allocated site. These policies set out development principles for the site which included necessary on-site infrastructure which would be delivered by the development in addition to collecting CIL for Strategic infrastructure projects.

Question 61 Ensuring new development includes on-site infrastructure and services

Do you think the new Local Plan should include development requirements for each allocated site?

Question 62

Do you have any additional suggestions or comments about how the Local Plan can ensure that new development is supported by essential infrastructure and services?

4. Next steps

4.1.1 Your comments will be processed and published online. Here you will be able to view comments made by others following the completion of this stage of public consultation.

4.1.2 The Council will consider all comments and prepare further evidence to help determine the preferred options for each issue to inform the next stage of the Local Plan, the “Preferred Options” stage.

4.1.3 Please note: We will make names available unless notified otherwise. But to protect your privacy all other information you provide when registering will not be open to public view. All comments will be publicly available so please ensure that you do not include any personal details within your comments, such as your address.

4.1.4 Your views are important to us, but it is recognised that the planning system is not always easy to understand or navigate. If you have any queries or want to know more about the Local Plan, or want to get involved in future consultations, please get in touch, [via...](#)

4.1.5 If you have responded to this consultation you will be kept up to date with progress on the Local Plan, if you do not wish to respond to this consultation but would like to keep up to date on progress please register your interest by emailing localplan@rutland.gov.uk, or alternatively check:

- [the Council's website](#);

- [Council's Facebook and Twitter feeds](#); and

- [Local Press](#).

Appendix: Glossary of Terms

Term	Description
Adoption	The point at which the final version of a Plan document is formally agreed and comes into use by the Council for planning purposes. At that point the Plan document becomes part of the statutory development plan for the local planning authority area.
Affordable Housing	Housing that is made available to households who cannot afford to access housing (either for rent shared ownership or immediate sale) on the open market. Currently defined by Annex 2 of the National Planning Policy Framework. Housing is made available at a cost considered affordable in relation to incomes that are average or below average, or in relation to the price of general market housing.
Allocated Land	Land identified in a development plan as appropriate for a specific land use.
Annual Monitoring Report (AMR)	Is a document produced on an annual basis to report on the progress in the preparation of Local Plan Documents and how successful the implementation of policies has been.
Biodiversity	The whole variety of life on earth. It includes all species of plants and animals and the ecosystems and habitats they are part of.
Brownfield Land (previously developed land)	Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agriculture or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
Carbon Footprint	A carbon footprint is the total amount of greenhouse gases (including carbon dioxide and methane) that are generated by our actions.
Carbon Neutral	Carbon neutrality refers to achieving net-zero carbon dioxide emissions. This can be done by balancing omissions of carbon dioxide with its removal (often through carbon offsetting) or by eliminating emissions from society. In October 2019, the Council approved a motion with respect to climate change. Among the measures put forward as part of Rutland County Council's Climate Change Action Motion is the commitment to ensure the Council's activities achieve a net-zero carbon footprint before 2050.
Carbon Offsetting	A carbon offset is a reduction in emissions of carbon dioxide or other greenhouse gases made in order to compensate for emissions made elsewhere. Offsets are measured in tonnes of carbon dioxide-equivalent
Communities	A group of social interacting people. This interaction may be due to the close proximity of where people live (i.e. within

	neighbourhoods) or groups of people that have similar characteristics or interests.
Conservation Areas	Areas of special architectural or historic interest, the character and appearance of which is desirable to preserve or enhance.
Core Strategy	This is a document that sets out strategic policies within the Local Plan process, setting out guidance on future development requirements and policy issues. Rutland County Council adopted their Core Strategy in July 2011.
Greater Lincolnshire Local Enterprise Partnership (LEP)	A body designated by the Secretary of State for Housing, Communities and Local Government (MHCLG), established for the purpose of creating or improving conditions for economic growth in an area. Local Enterprise Partnerships produce Local Industrial Strategies for their areas.
Design Code	A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.
Development Plan	Is defined in Section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made, and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.
Development Plan Documents (DPD)	These are key planning documents prepared by the Council. They are subject to public consultation and public examination. The DPD for Rutland are Core Strategy Development Plan Document (DPD), the Site Allocations and Policies Development Plan Document (DPD) and the Minerals Core Strategy and Development Control Policies Development Plan Document (DPD).
Developable	To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.
Employment Land Review	Employment Land Reviews (ELRs) are prepared to assess the likely demand for, and supply of, land for employment uses. They are used to make assessments of land currently in use for employment purposes, land currently allocated for employment purposes; and land with the potential to be suitable for employment purposes.
Green Infrastructure	A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.
Greenfield Land	Land that has not been previously developed, characterised by urban and suburban green spaces, open countryside and agricultural land.

Habitats Regulation Assessment (HRA)	Assesses the impact of plans or projects on Natura 2000 sites (these are Special Areas of Conservation (SAC) and Special Protection Areas (SPA)). National guidance recommends that Ramsar sites and candidate SPAs and SACs are also afforded the same protection through the Habitats Regulation Assessment process.
Health Impact Assessment (HIA)	<p>Health Impact Assessment (HIA) is a tool to identify and optimise the health and wellbeing impacts of planning. A health impact assessment (HIA) helps ensure that health and wellbeing are being properly considered in planning policies and proposals.</p> <p>The use of an HIA is not a legal or policy requirement. The key policy lever for HIA use comes from the Planning Practice Guidance (PPG) in which it states an HIA is “a useful tool to use where there are expected to be significant impacts”.</p>
Local Green Space (LGS)	The designation of land as Local Green Space (LGS) through local and neighbourhood plans allows communities to protect and identify green areas of particular importance to them. Refer to the National Planning Policy Framework (NPPF) February 2019. Paragraphs 100 to 103.
Local Plan	<p>A document used to plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. A Local Plan can consist of either strategic or non-strategic policies, or a combination of the two. Rutland County Council is the planning authority. The Local Plan comprises three documents:</p> <ul style="list-style-type: none"> • Core Strategy Development Plan Document (DPD) • Site Allocations and Policies Development Plan Document (DPD) • Minerals Core Strategy and Development Control Policies Development Plan Document (DPD) <p>The Local Plan also includes the ‘made’ neighbourhood plans in Rutland.</p> <p>All Local Plan documents must be subject to rigorous procedures of community involvement, consultation and independent examination and adopted after receipt of the Inspector’s report. Once adopted, development management decisions on planning applications must be made in accordance with them unless material considerations indicate otherwise.</p>
Habitats Regulation Assessment (HRA)	Assesses the impact of plans or projects on Natura 2000 sites (these are Special Areas of Conservation (SAC) and Special Protection Areas (SPA)). National guidance recommends that Ramsar sites and candidate SPAs and SACs are also afforded the same protection through the Habitats Regulation Assessment process.

Local Planning Authority (LPA)	The local authority or Council that is empowered by law to exercise planning functions. County Councils are the authority for waste and minerals matters.
Local Service Centres (LSC)	Local Service centres are listed in the current Local Plan's Core Strategy Policy CS3 which sets out the settlement hierarchy. The local service centres are the focus for small scale level of development outside the two towns reflecting the range of facilities and access to public transport available and their role as serving surrounding minor settlements.
National Planning Policy Framework (NPPF)	A document that has been prepared by Central Government and which sets out the Government's planning policies for England and how these should be applied. It provided a framework within which locally prepared plans for housing and other development can be produced. The NPPF must be considered in preparing the development plan (Local Plan) and is a material consideration in planning decisions on planning applications.
National Planning Practice Guidance (NPPG)	A document prepared and published by Central Government that provides guidance to supplement the content of the National Planning Policy Framework.
Neighbourhood Development Plan/Neighbourhood Planning	Neighbourhood development plans can be prepared by local communities, in particular parish councils, which can promote developments and have a greater say on where development should be located in their communities. In law this is described as a neighbourhood development plan in the Planning and Compulsory Planning Act 2004.
Non- Strategic Policies	Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies. See also 'Strategic Policies'.
Objective	A statement of what is intended, specifying the desired direction of change in trends.
Planning Obligations	<p>Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal. This can be via a planning agreement entered into under section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land and the local planning authority; or via a unilateral undertaking entered into by a person with an interest in the land without the local planning authority.</p> <p>Planning obligations run with the land, are legally binding and enforceable. A unilateral undertaking cannot bind the local planning authority because they are not party to it. Planning obligations are also commonly referred to as 'section 106', 's106', as well as 'developer contributions' when considered alongside highways contributions and the Community Infrastructure Levy.</p>
Policies Map (Local Plan)	Accompanying the Local Plan written documents is an adopted policies map. This illustrates the extent of the area on the ground that the various policies cover. The policies map must be prepared and maintained to accompany all Local Plans.
Ramsar Sites	Ramsar sites are wetlands of international importance that have been designated under the 1971 Ramsar Convention on Wetlands

	for containing representative rare or unique wetland types or for their importance in conserving biological diversity.
Self-build and custom housebuilding	<p>This covers a wide spectrum, from projects where individuals are involved in building or managing the construction of their home from beginning to end, to projects where individuals commission their home, making key design and layout decisions, but the home is built ready for occupation ('turnkey').</p> <p>The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.</p>
Sites of Special Scientific Interest (SSSI)	These are sites that have been recognised for the importance of either their biological, geological or landscape value. A site identified under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).
Special Area of Conservation (SAC)	Areas designated under the European Habitat Directive. They provide increased protection for a variety of wild animals, plants and animals and are a vital part of the global effort to conserve world biodiversity.
Strategic Housing Market Assessment (SHMA)	A study intended to review the existing housing market in the area, consider the nature of future need for market and affordable housing and to inform the development of planning policy. The last SHMA was undertaken for Rutland in July 2019 and was updated in February 2020.
Statutory bodies	These are bodies that must be consulted on Local Plans and planning applications.
Special Protection Area (SPA)	An area containing an assemblage of breeding populations of rare birds at a level of European significance, designated under EC Directive 79/409.
Strategic Flood Risk Assessment (SFRA)	An assessment that sets out the risks from flooding within the district on a water catchment wide basis, whether from rivers, the coast or from other water sources. The assessment will be used to ensure that development proposals are fully aware of flood risk issues in a locality.
Strategic Housing and Economic Land Availability Assessment (SHELAA)	Previously known as a Strategic Housing Land Availability Assessment (SHLAA), the assessment was last carried out for the Local Plan and published in 2019. The assessment now incorporates employment land and has been renamed the Strategic Housing and Economic Land Availability Assessment (SHELAA). This provides an audit of land that is potentially suitable, available and achievable for housing and employment over the Local Plan period.
Strategic Policies	Policies and site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2024. The National Planning Policy Framework (NPPF) 2021, Paragraph 20, advises that strategic

	<p>planning policies make sufficient provision for: housing (including affordable housing), employment, retail, leisure and other commercial development. 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), community facilities (such as health, education and cultural infrastructure) and 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.</p>
Supplementary Planning Documents (SPD)	<p>A document that may cover a range of issues, thematic or site specific and provide further detail about policies and proposals in a 'parent' Local Plan. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.</p>
Sustainability Appraisal (SA)	<p>The Planning and Compulsory Purchase Act 2004 requires Local Development Documents to be prepared with a view to contributing to the achievement of sustainable development. Sustainability Appraisal is a systematic appraisal process used to assess the social, environmental and economic effects of strategies and policies from the outset of the preparation process. The SA process ensures that decisions are made in accordance with the principles of sustainable development.</p>
Sustainable Development	<p>In broad terms this means development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Government have set five guiding principles for sustainable development in its strategy 'Securing the Future – UK Government Strategy for Sustainable Development'. The five guiding principles include: living within sustainable limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.</p>
Sustainable Drainage Systems (SuDs)	<p>Drainage systems that are designed to reduce the potential impact of new and existing developments with respect to surface water drainage discharges. A SuDs is dependent on site specific constraints and applies to a broad range of drainage solutions that seek to manage rainfall close to where it falls. SuDs can be designed to transport, attenuate, infiltrate, evaporate and cleanse water.</p>
Sustainable Growth	<p>This refers to strategic growth that can either be accommodated within the capacity of existing infrastructure or includes proposals that will meet any potential gaps in infrastructure capacity. It also refers to the growth of settlements that is in proportion to the settlement size and character</p>
Windfall sites	<p>Sites not specifically identified in the Local Plan.</p>

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Rutland County Council

Statement of Community Involvement – (Minor Amendments to Second Review)

April 2022



Rutland
County Council

Title

Statement of Community Involvement – Second Review

Subject matter

To provide a clear structure and guidance on how the Council intends to engage with the community and stakeholders through the planning process

Adoption Date

The Statement of Community Involvement (SCI) was adopted by the Council on 18th August 2020. In April 2022 this revised version of the adopted SCI was prepared. The minor changes relate to the removal of references specific to the Covid 19 pandemic. These changes were approved by Cabinet on 5th April 2022.

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Section I: Introduction

Background

- 1.1 The Council's Statement of Community Involvement (SCI) was last updated in 2014.
- 1.2 Since that time, there have been a number of legislative changes to the planning system and in the way personal data is held and processed and it is appropriate for the SCI to be updated to reflect these. It is also important to learn from previous experience and whether the means through which the Council has engaged on plan making and in the consideration of planning applications remains effective. More recently, a requirement¹ has been introduced which requires the SCI to be reviewed at least every five years.
- 1.3 Local Planning Authorities (LPAs) including Rutland County Council are required to produce a SCI under section 18 (Part 2) of the Planning and Compulsory Purchase Act 2004.
- 1.4 The minimum requirements for consultation on planning policy documents and planning applications are set out in The Town and Country Planning (Local Planning) (England) Regulations (the Local Planning Regulations)² in the case of planning policy documents and the Town and Country Planning (Development Management Procedure) Order (DMPO)³ for planning applications.
- 1.5 The Rutland SCI reflects these statutory requirements and sets out in Appendices 1- 5 the **minimum** consultation required for both plan making and planning applications. Additional methods of consultation and community engagement may be used for different documents at different stages, however these are not prescribed within the SCI to allow flexibility to respond to changing circumstances and specific issues.

¹ The Town and Country Planning (Local Planning)(England)(Amendment) Regulations 2017

² The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

³ The Town and Country Planning (Development Management Procedure) (England) Order 2015

Purpose of the SCI

- 1.8 The SCI sets out how the Council intends to engage with communities through the planning process. This includes the preparation and revision of Development Plan Documents (DPDs) (commonly referred to as local plans) and Supplementary Planning Documents (SPDs) and procedures for consulting the public on planning, listed building and other applications.
- 1.9 The purpose of this SCI is to identify the standards to be met and provide a clear public statement enabling people to know how and when they will be involved in the preparation of planning policy documents and how they will be consulted on planning applications. For planning policy documents the SCI sets out the **minimum** standards required for each type of documents at each stage in plan making – Appendices 1-4 (for Neighbourhood plans this only relates to the consultation stage which the Council is responsible for (Regulation 16). It is likely that the Council will do more than the stated minimum depending on the issues and the stage in the process.
- 1.10 Having clear arrangements for carrying out consultation will help to establish a two-way process between the community and the Council. It will provide the community with opportunities to help shape their local areas and create a transparent, fair and open planning process. The SCI sets out the techniques available and which are likely to be used. However it is important to retain a degree of flexibility so that methods can be appropriately tailored to the planning document in question, to allow for changes in the regulations or best practice guidance, and to reflect that new methods of communication and engagement may become available over the life of the document.
- 1.11 The Council will prepare a Statement of Consultation for each DPD and SPD it prepares, setting out who was consulted at each stage together with a summary of the issues raised in any representations and how these have been taken into account.

Need for review

1.12 The review of the Council's SCI takes account of the changes in legislation and regulations since the last review. The Government is committed to increasing the ability of local communities to influence planning decisions and future development in their areas by making the planning system simpler and more accessible. The National Planning Policy Framework (2019) says that (paragraph 16):

“Plans should:

c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.”

Section 2: Community Involvement in the Preparation of Development Plan Documents

The Rutland Local Plan

- 2.1 The Development Plan for Rutland is currently made up of a series of Development Plan Documents that contain policies and allocations that will promote sustainable development in Rutland. It comprises the Core Strategy DPD (July 2011), Site Allocations & Policies DPD (October 2014) and Minerals Core Strategy and Development Control Policies DPD (October 2010). Work is underway on preparing a new Rutland Local Plan that when adopted (anticipated in 2025) will replace all of these documents. The new Local Plan will contain strategic and other policies and allocations to guide development in the County for a period of at least 15 years.
- 2.2 The Council will also prepare Supplementary Planning Documents (SPDs) which will provide guidance and information on the implementation of particular policies in the Local Plan that will need to be considered when submitting development proposals. SPDs do not form part of the statutory Development Plan. Information on adopted [SPDs](#)⁴ can be found on the Council's website

Key stages for preparing Development Plan Documents

- 2.3 The Key stages for preparing DPDs are set out in Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). There are four main stages to the preparation of a DPD. The table below summarises the purpose of each stages, indicating the role of community involvement at each stage. For further details on the minimum requirements for notification and availability of documents which Rutland County Council will provide at each stage see **Appendix 1**.

Involve the community	Stage 1 – Preparation (early engagement) (Regulation 18)
	<ul style="list-style-type: none"> • Collecting evidence through various sources and publicise at an appropriate early stage in the process • Notify and work with groups, organisations and residents • Consider issues and alternatives • Prepare content of draft document and provide feedback where possible

⁴ <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/planning-policy/supplementary-planning-documents-spd/>

Consult with the community	Stage 2 – Publication (Regulation 19)
	<ul style="list-style-type: none"> • Statutory stage - 6 weeks (minimum) to make representations about the Development Plan Document; sustainability appraisal and/or supporting evidence • Documents (including evidence base) made available for inspection on the Council’s website • Representations should address issues of “Soundness” and “Legal Compliance”
Independent inspection	Stage 3 – Submission for Independent Examination
	<ul style="list-style-type: none"> • Representations received at Stage 2 summarised and made publicly available. • ‘Statement of Community Consultation’ to demonstrate how the Statement of Community Involvement has been followed • Development Plan Document submitted to Secretary of State for independent examination (Supplementary Planning Documents to Council for adoption) • Representations submitted to Secretary of State • Independent examination • Planning Inspector issues report. • Adopted by Council if agreed as ‘sound’ by Inspector
Monitor	<ul style="list-style-type: none"> • Final plan is regularly monitored, to ensure that the plan is achieving its aims • Plan must be reviewed at least every 5 years or sooner where necessary

Key stages for preparing Supplementary Planning Documents

2.5 SPDs have fewer stages in their preparation and are not subject to independent examination. However, their preparation still requires community involvement: The table below summarises the key requirements for each stages, indicating the purpose of community involvement at each stage. For further details on the minimum requirements for notification and availability of documents which Rutland County Council will provide at each stage see **Appendix 2**.

	Stage 1 – Preparation (early engagement)
	<ul style="list-style-type: none"> • Develop a range of evidence to support the document

Involve the community	<ul style="list-style-type: none"> • Notify and work with relevant stakeholders and interested parties • Consider issues and alternatives • Prepare content of draft document and provide feedback where possible
Consult with the community	Stage 2 – Consultation
	<ul style="list-style-type: none"> • Minimum 4 weeks consultation • Representations considered and a revised documents prepared
Adoption	Stage 3 – Adoption
	<ul style="list-style-type: none"> • Council adopt final version • Notify consultees • Notice of adoption published on Council website

Key stages for Reviewing the Community Infrastructure Levy

- 2.6 The Community Infrastructure Levy (CIL) is a charge that local authorities can choose to levy on specified new development in their area and which can be used to help deliver a wide range of infrastructure needed to support growth in their area. The Council must demonstrate an infrastructure funding gap; charges will be based on the type of development and be set out in a charging schedule. The Council adopted its [CIL charging schedule](#) in January 2016.⁵
- 2.7 Government guidance is that the preparation or review of CIL charging schedules should be undertaken at the same time as preparing a Local Plan. The Council are not proposing to review the charging schedule at present. Should a review be commenced at some point in the future this would be undertaken in accordance with the following stages set out in the Community Infrastructure Regulations 2010 (as amended). For further details see **Appendix 3**.
- 2.8 **a) Preparation**
- The Council will develop appropriate evidence base to support the document. This will involve informal consultation with relevant stakeholders and interested parties such as developers and other service providers to gain views on matters to take into account when setting the CIL

⁵ <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/planning-policy/community-infrastructure-levy-cil/>

b) Consultation

- The Council will publish a draft charging schedule on which representations can be made. This consultation will be for a minimum of 6 weeks. These will be taken into account by the Council prior to its submission for an independent examination.

c) Examination and Adoption

- The draft charging schedule will be submitted with relevant supporting information to a suitably qualified examiner.
- Objectors to the document may be allowed to appear at the examination. Recommendations suggested in the Examiner's Report may be binding on the Council. If there are significant issues, the Council may be required to withdraw the charging schedule and re-submit a revised version to a fresh examination.

Should the Council decide to cease charging CIL there is a requirement to publish a statement setting out the implications of doing so and invite representations on the proposal. This consultation would be for a minimum of 4 weeks.

Neighbourhood Planning

- 2.9 The Localism Act 2011 introduced the ability for town and parish councils to shape new development by preparing a Neighbourhood Plan and granting planning permission through Neighbourhood Development Orders and Community Right to Build Orders. Neighbourhood Plans can be short and simple or go into considerable detail and include the allocation of sites. They set out local planning policies for that neighbourhood area. Neighbourhood Plans have to be in general conformity with national policy and the strategic elements of the County Council's local plan, they cannot propose less development than that proposed by the Council's Local Plan.
- 2.10 If the Plan is agreed by the local community in a referendum, it will become part of the Development Plan and be used in the determination of planning applications.
- 2.11 The Neighbourhood Planning (General) Regulations 2012 (as amended) sets out the requirements for publicity and consultation in relation to the preparation of Neighbourhood Plans and Neighbourhood Development Orders. The approach taken to engaging and involving local residents, business and other stakeholders is a matter for the Parish or Town Council and is it up to them to decide how they involve people and undertake consultation.
- 2.12 However, the Council does have some statutory functions, which are set out in the Regulations. These include publicising the intention to produce a Neighbourhood Plan on its website, undertaking consultations when the Neighbourhood Plan is submitted, facilitating the examination, publishing the examiner's report and organising a referendum. The Council will undertake these functions in accordance with the requirements of the Regulations and the principles of this SCI (**see Appendix 4**).

2.13 The Council also has a duty to provide technical advice and support to communities in the preparation of their plans. In Rutland the Council asks Neighbourhood Plan Groups to enter into a Service Level Agreement at the beginning of their journey to prepare a Neighbourhood Plan. This SLA sets out the technical advice that the Council can provide as well as guidance on the role of the Council and local groups in preparing Neighbourhood Plans. This SLA also requires Neighbourhood Plan Groups to provide the Council with regular updates on progress and a project plan to enable the Council to respond in a timely manner to requests for support. Specifically the Council will provide the following:

- advice on the neighbourhood planning process and legislative requirements
- Signpost groups to organisations and resources which may be of help
- sharing information and evidence
- advice on evidence, assessments/appraisal and conformity with the national and local policy framework
- provision of mapping in accordance with our OS License

Further information on the support available can be found on the Council's website⁶.

⁶ <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/neighbourhood-planning/neighbourhood-planning-and-guidance/>

Section 3: Who will be involved in the Planning Policy Preparation Process?

Consultees

- 3.1 When preparing DPD's and SPDs, the Council will seek to engage and consult, where appropriate with the general public and the wider community.
- 3.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) specify a number of organisations that must be consulted. These organisations are referred to as 'specific consultation bodies' and 'general consultation bodies'.
- 3.3 The lists below refer only to types of group rather than naming every individual group and organisation. This is to ensure that the Statement of Community Involvement does not contain out of date information, these lists are not exhaustive.
- 3.4 **Specific consultation bodies** include Town and Parish Councils and Parish Meetings, neighbouring Local Authorities, utilities and health providers and organisations such as Historic England, Environment Agency and Natural England. It is the responsibility of Town and Parish Councils and Parish Meetings to ensure that their contact details are up to date. <https://rutlandcounty.moderngov.co.uk/mgParishCouncilDetails.aspx?bcr=1>
- 3.5 **General consultation bodies**, include a range of community groups and organisations representing Rutland interests, whom the Council considers it appropriate to consult on comprising of:
- Voluntary bodies
 - Different racial, ethnic or national groups
 - Different religious groups
 - Disabled persons groups
 - Business groups
- 3.6 **Other consultees** have been identified in addition to specific and general consultation bodies to ensure that local groups, organisations and individuals in Rutland have the opportunity to become involved in the preparation of planning policy documents. The Council will try to maintain contact details for these consultees however this is dependent upon the Council being made aware of them and provided with up-to-date contact details. These are grouped under the following headings:
- Amenity groups
 - Armed Services and Veterans
 - Cultural and Art Groups
 - Built Environment
 - Community
 - Economy
 - Education
 - Groups representing Black Asian and Minority Ethnic (BAME) communities
 - Gypsies & Travellers
 - Healthcare

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- Youth groups
- Housing
- Landowners/Agents
- Minerals & Waste Operators
- Natural Environment
- Older Persons Groups
- Service Providers
- Sports & Leisure
- Transport

The Duty to Co-operate

- 3.7 The Localism Act 2011 places a duty on Local Planning Authorities and other public bodies to co-operate with each other. The duty requires on-going, constructive and active engagement on strategic cross boundary matters in order to maximise the effectiveness of the Plan, including considering joint approaches to plan making. This could include joint evidence base documents with adjoining local authorities.
- 3.8 Councils must also produce, maintain and update statements of common ground documenting the strategic cross boundary matters to be addressed and the progress which has been made in cooperating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available.
- 3.9 The Council will prepare a Duty to Cooperate Statement of Compliance for DPDs which will be submitted with the Local Plan to the Secretary of State in order to demonstrate how it considers it has satisfied the duty in preparing DPDs. The public examination of the DPD will assess whether the Council has complied with the duty to cooperate.

Consultation Database

- 3.10 To manage the consultation process and to ensure records are up to date, the Council maintains a mailing list—with the relevant contact details of the various bodies to be consulted. This includes those that have either commented upon previous consultation documents or expressed an interest in being involved with the preparation of the Local Plan. In 2018 in compliance with the General Data Protection Regulations (2018) (GDPR) the Council contacted all those on the Local Plan mailing list asking them to confirm that they wished to remain on the list. All subsequent consultation response forms have included information about how data is stored and processed in accordance with the GDPR.
- 3.11 Any organisation or individual can be added to the mailing list at any time by contacting the planning policy team and providing their contact details (localplan@rutland.gov.uk). Wherever possible electronic contact details will be required. The Council is in the process of setting up a Strategic Planning Consultation Portal which is an interactive online representation system. Going forward, there will be an opportunity to subscribe to the consultation portal to kept informed of progress on the Local Plan and the latest consultations. It should be noted, however, that not all bodies and organisations will be consulted on every document.
- 3.12 The subject matter of the document and the interests of the individual bodies and organisations concerned will determine this, for example where a consultation is limited to a particular topic or is particularly specialist in nature.
- 3.16 The Council will ensure access to its information in accordance with the Freedom of Information Act 2000, the Data Protection Act 1998 and the storing and processing of

personal data in accordance with the General Data Protection Regulations (2018)⁷. Information and comments provided to the Council through consultation on DPDs and SPDs will be made publicly available, unless there are specific and justifiable reasons for it to be confidential.

- 3.17 The Council may publish letters and completed web forms which are submitted as part of planning consultations on the Council's website. Contact details such as email and telephone numbers will be removed, however individual names and organisations will be published. Original documents will be retained at the Council Offices.

Engaging groups representing community and stakeholder interests

- 3.18 At an early stage, it is important to involve the local community in the preparation of planning policy documents. This is essential to achieve local ownership of the planning policies for Rutland.

Key Stakeholders

- 3.19 Key stakeholders include general and specific bodies as set out in the 2012 Local Planning Regulations where considered appropriate and may include interest groups and other organisations including local businesses or any organisation or person who has an interest in the development of land.

- 3.20 The Council has identified the following key bodies representing community interests in Rutland:

a) Town and Parish Councils

Town and Parish Councils and parish meetings offer an important means by which the local community can be consulted at formal and informal stages. These bodies will be consulted through a variety of means including parish briefings (including virtual briefings), email and other meetings and events.

b) Rutland Water Partnership

Rutland Water Partnership is a group of stakeholders that meet to discuss matters concerning Rutland Water and the surrounding area.

Engagement with the Rutland Water Partnership will ensure that the various views of organisations representing different interests regarding the water are considered.

⁷ For the Planning Policy Privacy Notice see <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/planning-policy/planning-policy-including-housing-strategy/>

- c) **Voluntary and community sector** The Council will consult where appropriate with relevant local, voluntary and community groups ~~the~~ on all major planning consultations and any proposals that may have a significant effect on their services.
- d) **The Uppingham Neighbourhood Forum**

The Uppingham Neighbourhood Forum represents the voluntary sector in Uppingham. It meets quarterly and is governed by an Executive Committee of 14 community groups.
- e) **The Rutland Consortium**
The Rutland Consortium represents the voluntary sector in Rutland. It comprises of local charities and trusts within the County.
- f) **Citizens Advice Rutland**
This organisation represents the voice of the voluntary sector in Rutland.

Engaging under-represented groups

- 3.21 The Council's vision is to engage with all sections of the community, but some sections of the community do not usually engage in the planning process. Consultation will be helped by ensuring, as far as possible, that documents are produced in a clear, concise and understandable manner. A local plan newsletter will also be prepared to provide a quick and easy guide to the Local Plan as it develops.
- 3.22 The groups identified as falling into this category of "under-represented groups" are set out below. Details on how they may be engaged in the Local Plan process is also considered. This is not an exhaustive list and other methods of engaging these groups will be used where appropriate.
- 3.23 **Young people** - The Council is keen to encourage the involvement of more young people in the preparation of the local plan. This will take place through engagement with youth groups through direct contact with groups who are active in the County using social media; newsletters; and informal feedback sessions.
- 3.24 **Rutland Youth Council** – This is a forum for young people representing all the secondary schools in Rutland. The Rutland Youth Council is a formal decision making and discussions group made up of young people from across Rutland. The main aim of the forum is to discuss issues that affect young people and take action on them. Engagement will be through publicity and meetings, as necessary.
- 3.25 **The Rural Community** - Rutland has a high level of car ownership but there are still members of the rural community that, for a variety of reasons, are not mobile and have limited access to community services.
- 3.26 In order to keep this group informed, the Council will issue press releases to local newspapers, radio and regional TV as well as local digital and social media. It will distribute information to parish councils for display on village notice boards and ensure the Council's website is updated regularly.

- 3.27 The Town and Parish Councils and parish meetings will also act as an important source of information for this group and they will continue to be provided with one paper copy of all relevant planning documents.
- 3.29 **Minority Groups** – Black Asian and Minority Ethnic groups (BAME) have a relatively small presence in Rutland. Where there are no established local groups or apparent informal groupings, involvement and consultation will be through regional and national organisations.
- 3.30 The number of Gypsies and Travellers is relatively few in Rutland; the Council will take practical steps to involve Gypsies, Travellers and Travelling Show Persons wherever possible, building on existing relationships where they exist.
- 3.31 As well as liaising with Leicestershire & Leicester City Multi Agency Traveller Unit to ensure the best approach to engagement is achieved. Consultation will also be with regional and national organisations representing these groups including The National Federation of Gypsy Liaison Groups.

People with no access to the internet

- 3.33 As the focus for consultation shifts towards electronic and web-based communication, it is important to recognise that a proportion of the County's population will not have access to the internet, a computer or a smart phone and may not therefore be able to access consultation documents. This is known as Digital Exclusion. The Councils Digital Rutland Strategy 2019-2022⁸ identifies Digital Inclusion as the 6th Aim of the strategy. This recognises that digital exclusion disproportionately affects vulnerable people, low income groups, the elderly and marginalised communities in society. The strategy sets out measures to increase digital skills and support residents who are not currently online. This includes the provision of IT courses and adult learning facilities, access to the internet at Council buildings and working with other organisations to address digital exclusion.
- 3.34 Copies of documents can be viewed in the Council Offices and libraries on the public computers. Consultation documents will also be made available in printed format (at cost or on loan in cases of financial hardship) and Planning Officers will continue to be available to help answer questions and direct callers to documents.
- 3.35 The Council will publish notice of the consultation in local newspapers. It will also notify local radio and TV media. Town and Parish Councils and Parish Meetings will also be asked to publicise the consultation. In addition notifications will be sent to those who have requested to be updated on the preparation of the plan as well as those who have previously engaged with the plan making process. In all communication formats people without access to the internet will be advised to contact the Council's customer service team who will use a triage system to direct callers to the most appropriate team or make arrangements for the inspection of consultation material.

⁸ <https://www.rutland.gov.uk/my-community/digital-rutland/about-digital-rutland/>

Equalities Impact Assessment

- 3.36 The Council has undertaken an Equality Impact Assessment (EqIA) screening of this SCI and this has been considered within the revised document. An EqIA will be undertaken on all new policy documents to ensure due regard to the general duty of the Equality Act 2010 has been given.

Section 4: How and when will the community be involved?

How the Council will consult

- 4.1 Planning legislation sets out the minimum requirements for public participation when preparing DPDs and SPDs. This includes making consultation documents available and on the website. DPD consultations will be a minimum of six weeks. Consultation on SPD's will be a minimum of four weeks. The Council considers these to be the minimum standards and aim to do better than the minimum requirements where appropriate and possible.
- 4.2 The Council will notify organisations and individuals where appropriate of any consultation events electronically or where a person does not have an email address notifications by post will be sent to them to inform them of the consultation. The preferred method of consultation is by email as this enables those involved in the Development Plan process to be regularly updated. The submission of representations on electronic forms will in turn facilitate the Examination process and support the work of the Planning Inspector.

Potential Consultation Methods

- 4.3 The Council intends to use a range of methods to inform and consult with the community in preparing planning policy documents.

The Council will soon be using an online interactive consultation system where documents published by the council can be viewed and can be used to either make comments during a public consultation or view comments made by others on a particular site option, issue or policy.

- 4.4 Section 3 sets out the ways in which we will try to engage those groups who tend not to engage with planning consultations and the table below outlines additional methods of consultation which the Council may use, together with the main benefits of each method. It is important to note that not all of these methods will be relevant or applicable to each stage or for every document.
- 4.5 The list below is not therefore exhaustive but gives an indication of the different techniques which might be used. Appendices 1- 4 set out **the minimum consultation requirements** which will be used for each stage in preparing the Local Plan (Appendix 1); SPDs (Appendix 2) CIL (Appendix 3) and Neighbourhood Plans (Appendix 4) :

Table 1: Potential Consultation methods for preparing planning policy documents

Method	Benefits
Make documents and supporting information available on the Council's website.	Information easily accessible from people's own homes and businesses, 24 hours a day.
Make provision for online engagement through the availability of all relevant documents and the submission of representations online and in electronic format.	Easy access to consultation documents alongside online response forms which allow for submission of representations in a user friendly format which meets the requirement of Planning Inspectorate (PINs) available 24 hours a day.
On-line response form on the Council's website.	Comments can be submitted to the Council quickly at any time of day, with no postage costs. Follows a standard format which allows responses to be entered directly into the database and facilitates the Examination process.
Dedicated e-mail address for Local Plan matters.	Means of submitting comments and contacting the Council for further information and assistance.
Provide Planning Officer call-back service to respond to enquiries.	Using a triage system to identify the most appropriate way to respond to a customer call or enquiry which will include speaking to a planning officer where appropriate.
Local Plan eNewsletter	Online newsletter informs people of Local Plan progress and encourages further involvement in the process.
Make hard copy and electronic copies of documents and supporting information available at the Council's Principal Office in Oakham.	Access to consultation documents free of charge. This may be by appointment only during opening hours.
Make documents and supporting information available at the public libraries in Rutland.	Access to consultation documents in printed and electronic format free of charge and access to the submission of electronic representations available during opening hours.
<p>Make copies of consultation documents or extracts of documents and printed response forms available on request.</p> <p>A charge will be made for printed</p>	<p>To support those who do not have access to the consultation documents via the internet or in electronic format.</p> <p>This service will be available by telephone and through the Customer Service centre during opening hours.</p>

Method	Benefits
documents and postage (in accordance with the Council's Schedule of Fees and Charges), except in cases of financial hardship.	
Hold exhibitions (Including the use of virtual exhibitions, webinars and online presentations) where practical & appropriate.	<p>Publicises information and enables early engagement in options in a user friendly way and in a variety of locations.</p> <p>The use and format of exhibitions will be determined in relation to the proposed consultation stage, the document type and ability to hold such exhibitions.</p>
Include information in a Summary Leaflet where appropriate.	<p>Provides a brief summary of the document and can be delivered to households where appropriate, to inform plan preparation progress and encourage further involvement in the process.</p>
<p>Distribute information to Parish and Town Councils through existing available channels.</p> <p>Encourage Town and Parish Councils and Parish Meetings to advertise consultation</p>	<p>Information circulated to all Town and Parish Councils and Parish Meetings in Rutland, using existing communication channels.</p> <p>Allows information to be displayed in public locations in local towns and villages.</p> <p>Gives opportunity for representatives of all Town and Parish Councils and Meetings in Rutland to raise and discuss issues.</p> <p>Provides opportunity for Town and Parish Councils and Meetings to engage with those without internet access and support their response</p>
Make poster and other display materials available on request to Town and Parish Councils and Parish Meetings.	Disseminates information effectively to local communities.
Press releases to local newspapers, radio and regional tv as well as local digital media.	Information to the local community and stimulates debate. With two weekly local newspapers and a local radio station Rutland has good media coverage which reaches all parts of the community.
Use of social media such as Twitter @rutlandcouncil to notify followers of Local Plan progress and involvement opportunities.	Means of engaging hard to reach groups. Provides an opportunity to encourage and facilitate discussion with interested parties.

Method	Benefits
Engage Rutland Youth Council and use Rutland's young people's webpage– https://www.rutland.gov.uk/my-services/health-and-family/youth-services/available-services/rutland-youth-council/	Means of engaging young people in Rutland to promote and raise any awareness of planning issues and consultations on planning documents.
Engage with existing relevant partnership, forums and groups such as the 'Rutland Water Partnership'.	Using existing forums and partnerships helps to engage with and capture the views of groups on specific issues. The Rutland Water Partnership meets regularly and allows the Council to capture views relating to Rutland Water specific issues.
Engage with target groups, community groups and forums, including use of meetings, workshops and focus groups.	Gives opportunity for groups to raise and discuss issues.
Notifications sent to those on the Local Plan mailing list (Notifications by post will only be used where no email address is available).	Formal means of communication with those on database; ensures communication is received. Those on mailing list will be actively encouraged to provide email contact details to reduce paper notifications. Notification by post will still be used where electronic means of communication are not possible.

- 4.5 Further details of how these methods will be applied to development plan documents (DPDs) and supplementary planning documents (SPDs) are shown in **Appendices 1 – 4**. These identify the minimum requirements including the statutory requirements for consultation at each stage.
- 4.6 Details about when consultation will take place on each document are shown in the [Local Development Scheme \(LDS\)](#)⁹. Progress against the key milestones for document preparation are reported annually in the [Authority Monitoring Report \(AMR\)](#)¹⁰.

⁹ <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/planning-policy/local-development-scheme/>

¹⁰ <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/planning-policy/annual-monitoring-report/>

4.7 Further information and advice on the planning process is available through a number of sources (see **Appendix 7**).

Section 5: Community Involvement in Planning Applications

Development Control

- 5.1 The Council's Development Control Section is responsible for processing all planning applications within the County. This section of the Statement of Community Involvement sets out the Council's proposed approach for involving statutory bodies and the community in the planning application process.
- 5.2 Planning applications include new development, tree applications and telecommunications proposals, applications for minerals or waste proposals, listed building and conservation area and Advertisement consent, as referred to in Appendix 5. Opportunities exist for the community and stakeholders to be informed and consulted on development proposals.
- 5.3 The three main stages in this process are
- Pre-application
 - Planning Application
 - Planning Appeals

Pre-Application Advice and Fees

- 5.4 The Council encourages pre-application discussions for certain types of development before making a formal application. The objective of these discussions is to establish whether the principle of the development is acceptable and to clarify the format, type and level of detail required enabling the Council to determine the application.
- 5.5 As a result of the Localism Act 2011, developers are now required to consult communities before submitting certain planning applications for large scale development proposals. This gives local people a chance to comment which can then be taken into account by the developer in finalising their planning application. The Council will also encourage developers to undertake voluntary pre-application discussions and consultations with the local community prior to submitting formal planning application in accordance with the advice contained within the national planning practice guidance.
- 5.6 Since January 2012, the Council has formal procedures in place for dealing with pre-application planning advice. The formalisation of this stage with appropriate fees allows the Council to dedicate time with applicants to improve the quality of development schemes.
- 5.7 Further guidance on the development control process and charges for pre-application advice is available on the Council's website <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/apply-for-planning-permission/>

Planning Applications

5.8 The statutory requirements for publicity for applications for planning permission are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

5.9 This requires the local planning authority to publicise planning applications either by site notice and/or by notification to neighbours and sometimes by advertising in the local newspaper.

5.10 Other regulations set out the requirements for applications for listed building and conservation area consent and for applications for planning permission affecting the setting of a listed building, or demolition within a conservation area.

5.11 There are a number of ways to consult on planning applications, depending on which is most appropriate. **Appendix 5** sets out in detail, publicity for planning applications published in June 2012.

5.12 The Council meets the statutory requirements and has an established process for publicising planning applications which includes:

- Notifications by post/email to statutory organisations and interest groups
- Notifications by post to residents/businesses properties adjoining the application site
- Site notices
- Weekly list published on website
- Planning applications with plans & document submitted uploaded on the on website
- Advertisements in the local newspaper when required
- Application available for inspection at the Council offices where required

5.13 Details of all planning applications are available to view on the Council's website: [view planning applications](#).

It can be used to:

- View the planning application and associated plans and documents
- Make comments on an application
- Search a weekly list of applications and decisions
- See if appeals have been lodged and any decisions made

- See recent planning history and property details, including maps and constraints.
- Create an automatic email when new planning application is validated within an identified area

Commenting on a planning application

- 5.14 Comments can be made on the website or in writing direct to the Council or by email and are uploaded on to the Council's website. The Council will take account of all responses received as a result of its consultations on planning applications where the issues raised are material planning considerations.
- 5.15 The Council can only consider objections or comments which raise relevant planning issues, e.g. highway issues, loss of daylight or sunlight or the effect a proposal might have on the appearance of the surrounding area.
- 5.16 The issue for the planning system is whether or not the proposed use, or development of the site, would be acceptable in land use and environmental terms. Responses concerning other issues cannot be taken into account when determining a planning application. These matters include, but are not restricted to:
- Loss of value of property;
 - Boundary disputes;
- 5.17 The Council has prepared a brief guide on 'Putting Your Views to the Council' which provides advice on how to comment on a planning application. This is available on the Council's website [Viewing and commenting on a planning application](#).

Decision Stage

- 5.18 The majority of planning applications are determined by officers under delegated powers. Major or contentious applications can also be determined by the Council's Development Control & Licensing Committee, where the Development Manager or case officer considers it appropriate given the nature of the development.
- 5.19 However, a Member may request for an application to be determined by Committee but this will be subject to additional assessment and the Chairman or vice-Chairman in consultation with the Development Manager will decide whether the application should go to the Development Control & Licensing Committee. Further details are available on the Council's website in Part 8 – Scheme of Delegation which is part of the Council's Constitution.
- 5.20 Meetings of the Council's Development Control & Licensing Committee are held approximately every 4 weeks. Applications presented to Committee are accompanied by a written report and officer recommendation.

- 5.21 The applicant/agent for an application will be informed that it will be considered at a committee meeting. Members of the public who have commented on the application will also be notified about the committee meeting. Other interested parties will need to monitor the Council's website or check with Customer Services 5 days before each meeting in order to check this.
- 5.22 The Council offers all members of the public the opportunity to submit a petition, deputation and/or written question to any of its meetings, further information is available on the Council's website.
- 5.23 Details of decisions are published on the Council's website.

Planning Appeals

- 5.24 An appeal may be submitted by the applicant where permission has been refused or permitted with conditions which the applicant considers to be unacceptable. There is also a right of appeal if the application has not been determined within the relevant time limit.
- 5.25 All those who were notified of the original application or submitted comments will be informed if an appeal is made. They also have the opportunity to make further written comments, except in the case of Householder Appeals where the Inspector makes the decision based solely on all the information on the original application file.
- 5.26 For appeals decided by informal hearing or public inquiry, interested parties are also given the opportunity to appear before the Inspector at the hearing or inquiry. The Inspectorate will consider the evidence and decide whether to 'allow' or 'dismiss' the appeal.
- 5.27 The Planning Inspectorate will inform the Council and interested parties of the outcome. The Planning Inspector's decision is binding on the Council, although it can be challenged on a point of law in the High Court. Third parties do not have the right to appeal decisions.
- 5.28 Further information is available on the Council's website and provides links to the Planning Inspectorate's website and to the appeal section on the Planning Portal website.

Appendix I: Consultation on Local Plan Documents

This table sets out the **minimum consultation or notification** which will be used for each stage in the Plan making process. Additional complementary techniques (from table 1 within the SCI) may also be used depending on the stage, nature of the documents and the relevance of the consultation method proposed.

Stage	Who will be notified?	Period of consultation/notice period	Minimum consultation or notification method
<p>Plan Preparation (Regulation 18)</p> <p>Issues & Options/ Preferred Options</p>	<p>Those bodies or persons that the Council considers to have an interest in the Plan, such bodies will include relevant:</p> <ul style="list-style-type: none"> • specific consultation bodies • general consultation bodies • Residents or businesses within the area where appropriate 	<ul style="list-style-type: none"> • Informal and on-going involvement in plan preparation will be possible up to its publication • There will be at least one 'formal' consultation period during the plan preparation, normally with a minimum consultation period of 6 weeks (up to a maximum of 12 weeks) 	<ul style="list-style-type: none"> • Engage with/involve as appropriate <ul style="list-style-type: none"> – Rutland Parish and Town Councils – Target groups and stakeholders • Those considered to have an interest will be informed by email or notifications by post setting out: <ul style="list-style-type: none"> - the consultation period - the plan stage - how the plan can be viewed (including an electronic copy or link where relevant) - advise those without internet access to contact the Planning Policy team directly to discuss their needs • Draft Plan(s) and accompanying documents will be published on the Council's website* www.rutland.gov.uk • Online response form on Council's website www.rutland.gov.uk • Copies or extracts of the Plan and response form made available in print or electronic format at cost and on request.

Stage	Who will be notified?	Period of consultation/notice period	Minimum consultation or notification method
			<ul style="list-style-type: none"> • Dedicated e-mail address localplan@rutland.gov.uk for responses and enquiries • Press release to local newspapers, radio and regional TV as well as local digital media
<p>Plan Publication (Regulation 19)</p> <p>Proposed Submission Plan</p>	<ul style="list-style-type: none"> • All those notified at plan preparation stage will be notified • Inform those who responded to plan preparation consultation 	<ul style="list-style-type: none"> • Statutory period of at least 6 weeks 	<ul style="list-style-type: none"> • A statement of the representations procedure will be sent to general and specific consultation bodies as required • Inform appropriate target groups and stakeholders by email (or notification by post) setting out: <ul style="list-style-type: none"> - the consultation period - the plan stage - how the plan can be viewed (including an electronic copy or link where relevant) - advise those without internet access to contact the Planning Policy team directly to discuss their needs • Draft Plan(s) and accompanying documents will be made available on the Council's website* www.rutland.gov.uk • Copies or extracts of the Plan and response form made available in print or electronic format at cost and on request.

Stage	Who will be notified?	Period of consultation/notice period	Minimum consultation or notification method
			<ul style="list-style-type: none"> • Online response form on Council's website www.rutland.gov.uk • Dedicated e-mail address localplan@rutland.gov.uk for responses and enquiries • Press release to local newspapers, radio and regional TV as well as local digital media
Submission of Plan to Secretary of State (Regulation 22)	<ul style="list-style-type: none"> • All those notified at plan preparation and publication stage will be notified that the plan has been submitted and where it can be inspected • Anyone who has specifically asked to be notified when the plan is submitted 	<ul style="list-style-type: none"> • Not a consultation stage 	<ul style="list-style-type: none"> • Plan and accompanying documents to be sent electronically to the Secretary of State • Plan and accompanying documents will be published on the Council's website* www.rutland.gov.uk • A statement will be placed on the Council's website setting out how the plan and accompanying documents can be accessed • Press release to local newspapers, radio and regional TV as well as local digital media.
Independent Examination (Regulation 24)	<ul style="list-style-type: none"> • Any person with an outstanding representation from the plan publication (Reg 19) stage 	<ul style="list-style-type: none"> • Notification about examination at least 6 weeks before the opening of the hearing • 6 week consultation period if there are 	<ul style="list-style-type: none"> • Public notice on the Council's website and a hard copy on display at the Council principal office setting out where the hearing will be held and the name of the Inspector appointed to carry out the examination • Email (or notification by post) to any person with

Stage	Who will be notified?	Period of consultation/notice period	Minimum consultation or notification method
		main modifications (or as required by the Inspector)	<p>an outstanding representation from the plan publication (Reg 19) stage.</p> <ul style="list-style-type: none"> In the event of main modifications being proposed, notification will be via email and public notice on Council's website and at the Council office
Publication of Inspector's recommendations (Regulation 25)	<ul style="list-style-type: none"> All persons who requested to be notified will be given notice that the recommendations are available 	<ul style="list-style-type: none"> Not a consultation stage 	<ul style="list-style-type: none"> Inspector's recommendations will be published on the Council's website* www.rutland.gov.uk Give notice to those persons those who have requested to be notified by email or notification by post Press release to local newspapers radio and regional TV as well as local digital media
Adoption of a plan (Regulation 26)	<ul style="list-style-type: none"> The Secretary of State Anyone who has specifically asked to be notified when the plan is adopted. 	<ul style="list-style-type: none"> Not a consultation stage 	<ul style="list-style-type: none"> As soon as is reasonably practicable after the Council adopts a plan, the plan and accompanying documents will be made available on the Council's website* Publish notice setting out how the plan and accompanying documents can be accessed this will be published on Council's website A copy of the adoption statement will be sent via email to the Secretary of State and to anyone who has specifically asked to be notified and have provided an email address (or contact address)

Stage	Who will be notified?	Period of consultation/notice period	Minimum consultation or notification method
			<ul style="list-style-type: none"> • Press release to local newspapers, radio and regional TV as well as local digital media

* If this stage is reached after 31st December 2020 and the amendments to Regulation 35 and 36 set out in The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 have not been extended or reintroduced, documents will also be made available for inspection at the Council's Principal Office.

Appendix 2: Consultation on Supplementary Planning Documents

This table sets out the minimum consultation or notification which will be used for each stage in the SPD making process. Additional complementary techniques (from table 1 within the SCI) may also be used depending on the stage, nature of the documents and the relevance of the consultation method proposed.

Stage	Who will be notified?	Period of consultation/notice period	Minimum consultation or notification method
Preparation and Publication of Draft SPD (Regulation 12)	<p>Those bodies or persons that the Council considers to have an interest in the document, such bodies will include relevant:</p> <ul style="list-style-type: none"> • specific consultation bodies • general consultation bodies • Residents or businesses within the area where appropriate 	<ul style="list-style-type: none"> • There will be one ‘formal’ consultation period during the preparation, normally with a minimum consultation period of 4 weeks 	<ul style="list-style-type: none"> • Engage with/involve as appropriate <ul style="list-style-type: none"> – Rutland Parish and Town Council – Target groups and stakeholders where relevant • Those considered to have an interest will be informed by email or notification by post setting out: <ul style="list-style-type: none"> - the consultation period - how the document can be viewed (including an electronic copy or link where relevant) • Draft document will be published on the Council’s website* www.rutland.gov.uk • Copies or extracts of the document and response form made available in print or electronic format at cost and on request.

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Stage	Who will be notified?	Period of consultation/notice period	Minimum consultation or notification method
			<ul style="list-style-type: none"> • Online response form on Council's website www.rutland.gov.uk • E-mail address localplan@rutland.gov.uk for responses and enquiries
Adoption of SPD (Regulation 14)	<ul style="list-style-type: none"> • Anyone who has specifically asked to be notified when the SPD is adopted 	Not a consultation stage	<ul style="list-style-type: none"> • An adoption and consultation statement together with the adopted SPD, will be-published on the Council's website * www.rutland.gov.uk • Anyone who has asked to be notified will be sent an email or notification by post including a copy of the Adoption Statement

* If this stage is reached after 31st December 2020 and the amendments to Regulation 35 and 36 as set out in The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 have not been extended, or re-introduced, documents will also be made available for inspection at the Council's Principal Office.

Appendix 3: Consultation on Community Infrastructure Levy

This table sets out the minimum consultation or notification which will be used for each stage in the process of reviewing of CIL. Additional complementary techniques (from table 1 within the SCI) may also be used depending on the stage, nature of the documents and the relevance of the consultation method proposed.

Stage	Who will be notified?	Period of consultation/notice period	Minimum consultation or notification method
Consultation on Draft Charging Schedule (Regulation 15)	<p>Those bodies or persons that the Council considers to have an interest in the document, such bodies will include relevant:</p> <ul style="list-style-type: none"> • Consultation bodies • Residents, businesses, voluntary bodies or business bodies within the area where appropriate 	<ul style="list-style-type: none"> • Minimum of 6 weeks 	<ul style="list-style-type: none"> • Copy of the draft charging schedule, relevant evidence and a statement of the representations procedure will be sent to the Consultation bodies inviting them to make representations • Copy of the draft charging schedule, relevant evidence and a statement of the representations procedure published on the Council's website www.rutland.gov.uk • Local advertisement notice which sets out a statement of the representations procedure and a statement of the fact that the draft charging schedule and relevant evidence are available for inspection and of the places at which they can be inspected. • Online response form on Council's website www.rutland.gov.uk • Dedicated e-mail address localplan@rutland.gov.uk for responses and enquiries

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Stage	Who will be notified?	Period of consultation/notice period	Minimum consultation or notification method
Withdrawal of a draft charging schedule (Regulation 18)	All those previously consulted on the draft charging schedule		<ul style="list-style-type: none"> • Publish statement on the Council's website www.rutland.gov.uk • Place notice in the local newspapers • Remove the draft charging schedule from the Council's website, the Council offices & libraries
Submission of documents and information to the Examiner (Regulation 19)	<ul style="list-style-type: none"> • Those who requested to be notified that the draft charging schedule has been submitted 	Not a consultation stage	<ul style="list-style-type: none"> • Copy of the draft charging schedule, relevant evidence and a statement of the representations procedure published on the Council's website www.rutland.gov.uk • Give notice to those persons who requested to be notified of the submission of the draft charging schedule to the examiner that the draft has been submitted • If modified send a copy of the statement of modifications to all those consulted on the draft charging schedule
Examination (Regulation 21)	<ul style="list-style-type: none"> • Those who have made representations 	Not a consultation stage	<ul style="list-style-type: none"> • Publish details of the examination and Inspector on the Council's website
Publication of Examiner's recommendations (Regulation 23)	<ul style="list-style-type: none"> • Those who requested to be notified of the examiner's recommendations 	Not a consultation stage	<ul style="list-style-type: none"> • Copy of the examiner's recommendations made available for inspection at the Council offices, Libraries and published on the Council's website www.rutland.gov.uk • Give notice to those persons who requested to be notified of the publication of the examiner's recommendations and reasons that they have

Stage	Who will be notified?	Period of consultation/notice period	Minimum consultation or notification method
			been published
Approval and publication of a charging schedule (Regulation 25)	<ul style="list-style-type: none"> Those who requested to be notified of the approval of the charging schedule 		<ul style="list-style-type: none"> Publish the charging schedule and make available for inspection at the Council offices, Libraries and on the Council's website www.rutland.gov.uk Give notice by advertisement in local newspaper of the approval of the charging schedule Give notice to those persons who requested to be notified of the approval of the charging schedule that it has been approved Send a copy of the charging schedule to each of the relevant consenting authorities

Appendix 4: Neighbourhood Planning – Rutland County Council Statutory Requirements

This table sets out the minimum consultation or notification which will be used for each stage in the process of preparing a Neighbourhood Plan for which the Council is the responsible body. Additional complementary techniques (from table 1 within the SCI) may also be used depending on the nature of the documents and the relevance of the consultation method proposed.

Stage	Who will be notified?	Period of consultation/notice period	Minimum consultation or notification method
Designation of Neighbourhood Area (Regulation 5)	<ul style="list-style-type: none"> Consult with relevant consultees including adjoining Parishes, statutory bodies¹¹ Confirm designation to Qualifying Body and anyone who made representations on application 	6 weeks	<p>Publish application on website</p> <p>Publish designation notice on website</p>
Publish Submitted Plan (Regulation 16)	<ul style="list-style-type: none"> Notify relevant consultation bodies 	6 weeks	<p>Copy of the submitted Plan, relevant evidence and a statement of the representations procedure published on the Council's website*</p> <p>Online response form</p> <p>Dedicated email address for responses and enquiries</p>
Publication of Examiner's Report (Regulation 18)	<ul style="list-style-type: none"> Notify: 	Not a consultation stage	Give notice by email (or notification by post) of publication of Examiner's Report and

¹¹ If the Parish Council is proposing the area to be designated covers the whole of the Parish there is no requirement to consult as the Council must designate the Neighbourhood Area

	<ul style="list-style-type: none"> - relevant consultation bodies - Qualifying Body - Anyone who has specifically requested to be notified - Residents and businesses within Neighbourhood Area 		<p>Decision Statement</p> <p>Copy of the Examiners Report and Decision Statement published on the Council's website*</p>
Referendum		Not a consultation stage	Publish information statement at least 28 days before referendum on website
Making Neighbourhood Plan (Regulation 20)	<ul style="list-style-type: none"> • Notify : • anyone who has requested to be notified • Qualifying Body 	Not a consultation stage	<p>Give notice by email (or notification by post) that the Plan has been made and where it can be inspected</p> <p>Copy of made Neighbourhood Plan published on Council website *</p>

* If this stage is reached after 31st December 2020 and the amendments to Regulation 35 and 36 as set out in The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 have not been extended or re-introduced, documents will also be made available for inspection at the Council's Principal Office.

Appendix 5: Consultation on Planning Applications

Publicity for planning applications

1. Publicity for planning applications will take many forms. Some of these are statutory and some are non-statutory. The Council does publicise well beyond its statutory requirements.
2. A "Planning Application" includes all outline and full applications.
3. Applications for Lawful Development Certificates, Works to Trees in Conservation Areas, Non - Material Amendments, Discharge of Conditions, Certificates of Appropriate Alternative Development, Advertisement Consent, Hazardous Substances Consent and Prior Notifications for Agricultural Works and Buildings, Demolitions, Telecommunications or Railways will not normally be the subject of publicity, except in accordance with paragraph 9. The only exception is Telecommunications Prior Notifications, which do require a site notice. Publicity for Prior Notifications for Demolition and sometimes for Agriculture is the responsibility of the applicant.
4. Applications for Listed Building Consent and Conservation Area Consent will be publicised in accordance with the statutory requirements contained in Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (LB regulations). These regulations require a site notice and press advertisement in most cases. The exception would be when works only affect the interior of a Grade 2 Listed Building.

Statutory Publicity

Nature of Development	Publicity to be Given	Regulations
Environmental Statement	Newspaper and Site Notice	Town and Country Planning (Development Management Procedure) Order 2015 Article 15 (2)(a)
Does not accord with the provisions of the Development Plan	Newspaper and Site Notice	DMPO 2015 Article 15 (2)(b)
Affect a Right of Way	Newspaper and Site Notice	DMPO 2015 Article 15 (2)(c)

<p>Major development. (unless in 2(a) to 2 (c) above)</p> <p>(a) The winning and working of minerals or the use of land for mineral-working deposits;</p> <p>(b) Waste development;</p> <p>(c) n/a</p> <p>(d) n/a</p> <p>(e) the provision of dwelling houses where-</p> <p style="padding-left: 40px;">(i) the number of dwelling houses to be provided is 10 or more; or</p> <p style="padding-left: 40px;">(ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);</p> <p>(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or</p> <p>(e) development carried out on a site having an area of 1 hectare or more.</p>	<p>Newspaper and Site Notice</p>	<p>DMPO 2015 Article 15 (4)</p>
<p>All other "Planning Applications"</p>	<p>(a) By Site Notice (unless site notice is required under Sections 67 or 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990) or</p> <p>(b) by serving notice on any adjoining owner or occupier</p>	<p>DMPO 2015 Article 15 (5)</p>
<p>Lawful Development Certificates, Works to Trees in Conservation Areas or covered by a Tree Preservation Order,</p>	<p>None.</p>	<p>-</p>

Non – Material Amendments, Discharge of Conditions, Certificates of Appropriate Alternative Development, Hazardous Substances Consent and Prior Notifications for Agricultural Works and Buildings, Demolitions or Railways		
Prior Notifications for Telecommunications.	<ol style="list-style-type: none"> 1. Site Notice always; 2. A newspaper advert only if Part 3 of the Wildlife and Countryside Act (1981) applies, e.g. affects a public right of way, contrary to the development plan or site area exceeds 1 hectare. 3. If site area exceeds 1 hectare must notify all adjoining owners or occupiers. 	Part 16 of the Town and County Planning (General Permitted Development) Order 2015.
Listed Building Consent Application.	Newspaper and Site Notice, unless works are wholly internal on a Grade 2 listed building.	Regulation 5 of the LB Regulations.
Development affecting the setting of a listed building.	Newspaper and Site Notice.	Section 67 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
Development affecting the character or appearance of a conservation area.	Newspaper and Site Notice.	Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. All newspaper advertisements are published in the public notices section of the Rutland Times

Non-Statutory Publicity

6. Applications for Reserved Matters do not require statutory publicity. The Council will notify adjacent land owners / occupiers. This will be done via a site notice posted on or near the site or by letter.
7. Neighbour notifications will take place on Planning and Reserved Matters Applications, in most cases this will be on a non-statutory, discretionary basis where a site notice has been posted near the site. They are a secondary means of publicity. The primary method, where one is used will be the site notice. The notifications will be undertaken on the basis of properties that, in the opinion of the case officer, are affected to a material extent by the development. The Council does not have property ownership records, so land without any buildings in active residential or commercial use will not be notified. Notifications will normally be limited to properties sharing a common boundary with an application site. For larger developments such as a new dwelling it may, at the case officer's discretion, be appropriate to notify properties on the opposite side of a road. For major developments the Council cannot hope to notify all who consider themselves affected, but the case officer will in such a case give consideration to properties that do not share a common site boundary.
8. Weekly lists of applications are provided for publicity purposes to:
 - Amenity societies
 - Local newspapers
 - Local radio
 - Published on the Council's website
 - Parish and town councils

Amendments to Planning Applications

9. There is no statutory publicity requirement. Where an application is amended in a manner which, in the opinion of the case officer, makes no material difference to or improves the circumstances for neighbours there is generally no need to re-consult them. The exception would be if the changes are sufficiently major that the neighbours might reasonably have expected to be notified, or if the impact on a neighbour has worsened.

Advertisement Consents

10. There is no statutory requirement for publicity for applications for advertisement consent. The exception is cases which, in the opinion of the case officer, result in a material impact on a residential property. For example, an illuminated sign close to and visible from principal rooms in a residential property. In such cases a letter will be sent to those properties the case officer considers to be affected by the proposed advert.

Non – Material Amendments

11. The applicant is responsible for notifying anyone with an ownership interest. As the amendment is non – material then by definition it should not affect anyone. No wider publicity is therefore required.

Discharge of Conditions

12. This is a matter of detail and the key elements of the development are already approved. No publicity is therefore required.

Works to Trees Covered by a TPO

13. A discretionary site notice will be displayed if any tree is to be felled as this is likely to be of wider public interest. Other tree applications have a more limited effect and no publicity is required.

Appendix 6: Glossary

Title	Abbreviation	Description
Adoption		The final confirmation of the status of a planning policy document by a local planning authority (LPA)
Authority Monitoring Report	AMR	Report on how authority is performing with regard to meeting the timetables for preparation of Development Plan documents and the performance of planning policies, with the identification of any remedial action to be taken if required
Community Infrastructure Levy	CIL	Mechanism for securing developer contributions towards the cost of providing essential community infrastructure.
Development Plan		Set of documents which provides the basis for determining planning applications. Comprises the adopted Local Plan and other Development Plan Documents and neighbourhood plans that have been made.
Development Plan Document	DPD	Planning policy documents which together form the statutory Development Plan for the County. These are subject to independent examination and will form part of the statutory development plan for the area when it is adopted. Sets out the planning policy framework against which planning applications are assessed. Usually called the Local Plan.
Development Management Procedure Order (2015)	DMPO	Sets out the regulations for the development management process
Equalities Impact Assessment	EqIA	An evaluation tool which analyses the effect that a policy or procedure will have on a particular group of people to highlight whether their needs are being met and if there are any issues requiring further action. The tool promotes equality and aims to ensure there are no discriminatory effects.
Householder Planning Application		Cover small projects like extensions and loft conversions
Householder Appeals		The applicant who submitted a householder planning application has the right to appeal against the decision of the Local Planning Authority on their planning application if they disagree with that decision

Title	Abbreviation	Description
Issues and Options		Produced during the initial stage of the preparation of Development Plan Documents.
Local Development Scheme	LDS	The Council's three-year programme for preparing Development Plan Documents which will form the Statutory Development Plan
Local Plan		A Development Plan Document (DPD) which can consist of either strategic or non-strategic policies, or a combination of the two. They are subject to an independent examination by a planning inspector and are prepared in consultation with the local community. When adopted the Local Plan forms part of the statutory Development Plan against which planning applications are determined
Localism Act 2011		The Localism Act aims to shift power away from central government and towards local people, communities and councils. Contains provisions intended to simply and clarify the planning system.
National Planning Policy Framework	NPPF	Sets out the government's planning policies and how these are expected to be applied. .
Neighbourhood Plan	NP	A plan prepared by a Town/Parish Council or neighbourhood forums for a specific neighbourhood area. They are subject to community consultation, an independent examination by an examiner and a local referendum process. Once made, these documents form part of the statutory development plan for the area
Neighbourhood Development Order		Enables the community to grant planning permission for development it wishes to see
Planning Inspectorate (PINS)		Executive agency of the Ministry of Housing, Communities and Local Government. Responsible for determining outcome of planning and enforcement appeals and holding examinations into local plans.
Public Examination		The Local Plan will be examined by an independent Inspector whose role it is to assess whether the plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements and whether it is sound.
Referendum (for Neighbourhood Plans)		A vote by which the eligible population in a local community decides whether they support the Neighbourhood Plan. A referendum for a Neighbourhood Plan in Rutland will be arranged by Rutland County Council Electoral Services and must follow statutory regulations and procedures.

Title	Abbreviation	Description
Representation		A response about a DPD submitted through the statutory Regulation 19 consultation, received within the advertised consultation period and which addresses the Tests of Soundness
Statement of Consultation		A report on how the Council has consulted the communities on the preparation of the development plan documents and Supplementary Planning Document, met the key milestones set out in the Local Development Scheme and the main issues raised and responses to those issues.
Statement of Community Involvement	SCI	Sets out how the Council will engage and consult with the public and other stakeholders during the production of the Development Plan Documents, Supplementary Planning Documents and Neighbourhood Plans and when dealing with planning applications
Supplementary Planning Document	SPD	Expand on policies and proposals in DPDs. They do not form part of the statutory development plan and are not subject to independent examination. SPDs are typically produced to provide more detailed guidance on how a particular policy should be implemented or site developed. Once adopted, SPDs are non-statutory documents which form material considerations in the determination of a planning application.
Stakeholder		A person, group, company, association, etc with an interest in, or potentially affected by planning decisions in Rutland.
Sustainability Appraisal	SA	Document setting out the appraisal of plans and policies to ensure they reflect sustainable development objectives.
Test of Soundness		A series of questions the Independent Inspector asks during the examination of the development plan document(s) to assess whether it has been positively prepared, justified, effective & consistent with national policy.
The Council		Rutland County Council
Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended)		The regulations that set out the process by which the Local Plans DPDs and SPDs must be prepared

Appendix 7: Further information and advice on planning

The Planning Portal

The Planning Portal is the Government's online 'one-stop-shop' for planning and building services. It provides information on the planning system, allows you to submit a planning application, find out about development in your area, appeal against a decision and research government policy.

Website: www.planningportal.gov.uk

Ministry of Housing, Communities and Local Government (MHCLG)

The MHCLG provides general information on the planning system including the latest national planning policy, decisions on planning appeals, research and statistics and reform of the planning systems.

Website <https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>

Email: contactus@communities.gov.uk

Postal Address: 2 Marsham Street, London, SW1P 4DF

Telephone Number: 030 3444 0000

Planning Aid England (PAE)

Planning Aid England provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees. It is provided by the Royal Town Planning Institute.

Website: rtpi.org.uk/planning-advice/about-planning-aid-england/

Email: info@planningaid.rtpi.org.uk

Telephone Number: 020 7929 8338

Postal Address: Planning Aid England, RTPI, 41 Botolph Lane, London EC3R 8DL

The Planning Inspectorate

The Planning Inspectorate processes planning appeals and holds examinations into planning policy documents and the Community Infrastructure Levy (CIL).

Website: www.planning-inspectorate.gov.uk

Postal Address: The Planning Inspectorate, Room 3 O/P, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

Telephone: 0303 444 5000



Rutland Local Development Scheme

2022-2025

April 2022

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1.0 INTRODUCTION

- 1.1 Local Planning Authorities are required by legislation to prepare and maintain a Local Development Scheme (LDS) to provide a timetable for the preparation of a Local Plan and any other Local Development Documents.
- 1.2 The national Planning Practice Guidance (PPG) requires the LDS to be kept up to date and be made publicly available, so that local communities and interested parties can keep track of Local Plan progress.
- 1.3 This LDS covers the period 2022 to 2025 and sets out the documents the Council intends to prepare over this period. It replaces the previous LDS published in June 2020 and the LDS timetable for preparation of the Rutland Local Plan approved by Council in September 2021.

2.0 RUTLAND LOCAL PLAN

Adopted Rutland Local Plan

- 2.1 At the time at which this LDS comes into effect, Rutland County Council has adopted the following documents:
 - **Minerals Core Strategy & Development Control Policies DPD – adopted October 2010:** Provides the overall vision for future minerals development in Rutland having regard to future predicted needs up to 2026 and contains development control policies to guide decision making on planning applications for minerals development. It replaced policies in the Leicestershire Minerals Local Plan Review (May 1995).
 - **Rutland Core Strategy DPD - adopted July 2011:** This provides the overall spatial vision, objectives and spatial strategy for Rutland. It identifies the broad locations, distribution and overall scale of development up to 2026 including a strategic allocation in Oakham. It contains a range of development control policies and addresses future waste development in Rutland, having regard to future predicted needs. It replaced a number of the policies in the Rutland Local Plan (2001) and the Leicestershire, Leicester and Rutland Waste Local Plan (2002).
 - **Site Allocations and Policies DPD – adopted October 2014:** The purpose of this DPD is to identify and allocate sites for development (i.e. housing, retail, waste) and to set out more detailed policies that will be used to determine planning applications in accordance with the overarching policies in the Rutland Core Strategy. It replaced the remaining policies in the Rutland Local Plan (2001) and the Leicestershire, Leicester and Rutland Waste Local Plan (2002).
- 2.2. Work is underway on preparing a new Local Plan that will replace the above documents. The new Local Plan will contain strategic and other policies and allocations to guide development in the County for a period of at least 15 years from its adoption. Details of the timetable for this are set out in Section 4.0.

Supplementary Planning Documents (SPDs)

- 2.3. SPDs are typically produced to provide more detailed guidance on how a particular policy should be implemented or site developed. SPDs are not subject to independent examination and there is no requirement for the LDS to include a timetable for the preparation of SPDs.

2.4. To date the Council has adopted the following SPDs:

1. Wind Turbine Developments SPD (adopted November 2012)
2. Ashwell Business Park SPD (adopted January 2013)
3. Extensions to Dwellings SPD (adopted March 2015)
4. Garden Extensions SPD (adopted March 2015)
5. Shop Fronts including Signs and Shop Security SPD (adopted March 2015)
6. Planning Obligations SPD (adopted January 2016)
7. Design Guide SPD (adopted December 2021)

2.5. It is proposed that the following SPDs will be prepared and adopted:

- Planning Obligations SPD (update of SPD adopted in 2016)

2.6. The Council will also consider the possibility of producing additional SPDs if the need arises during the three year period of the LDS.

2.7. Information on adopted [SPDs](#) can be found on the Council's website.¹ This will also provide information on progress in preparation of the proposed SPDs.

Other Relevant Documents

Statement of Community Involvement (SCI)

2.8 The SCI was adopted in August 2020 and minor wording changes are proposed to be made in April 2022. It sets out the standards and approach the Council takes to involving individuals, groups and organisations in preparing or revising policy documents and considering planning applications. There is no requirement in legislation for local planning authorities to consult when reviewing and updating their Statement of Community Involvement, although it is good practice for authorities to inform the public of their intentions to update this document and of the changes that have been made.

Community Infrastructure Levy (CIL)

2.9 The Council adopted CIL in January 2016. CIL is a locally set charge on development. It is intended to give more certainty to developers over how much their development will need to contribute to meeting the costs of infrastructure. It is intended to supplement other funding streams to ensure that new community infrastructure can be provided to support local growth and to give councils and communities more choice and flexibility in how they fund infrastructure. The CIL is supported by a detailed [Charging Schedule](#) which sets out the CIL rate for specific types of development in Rutland.²

2.10 Whilst there are currently no proposals to review CIL, this will be kept under consideration during the course of the preparation of the Local Plan.

Authority Monitoring Report (AMR)

2.11 The purpose of an AMR is established in legislation and should provide annual updates on the following:

- Progress on the timetable and milestones for preparation of documents set out in the LDS;
- the progress and effectiveness of the Local Plan, including details of policies and proposals

¹ <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/planning-policy/supplementary-planning-documents-spd/>

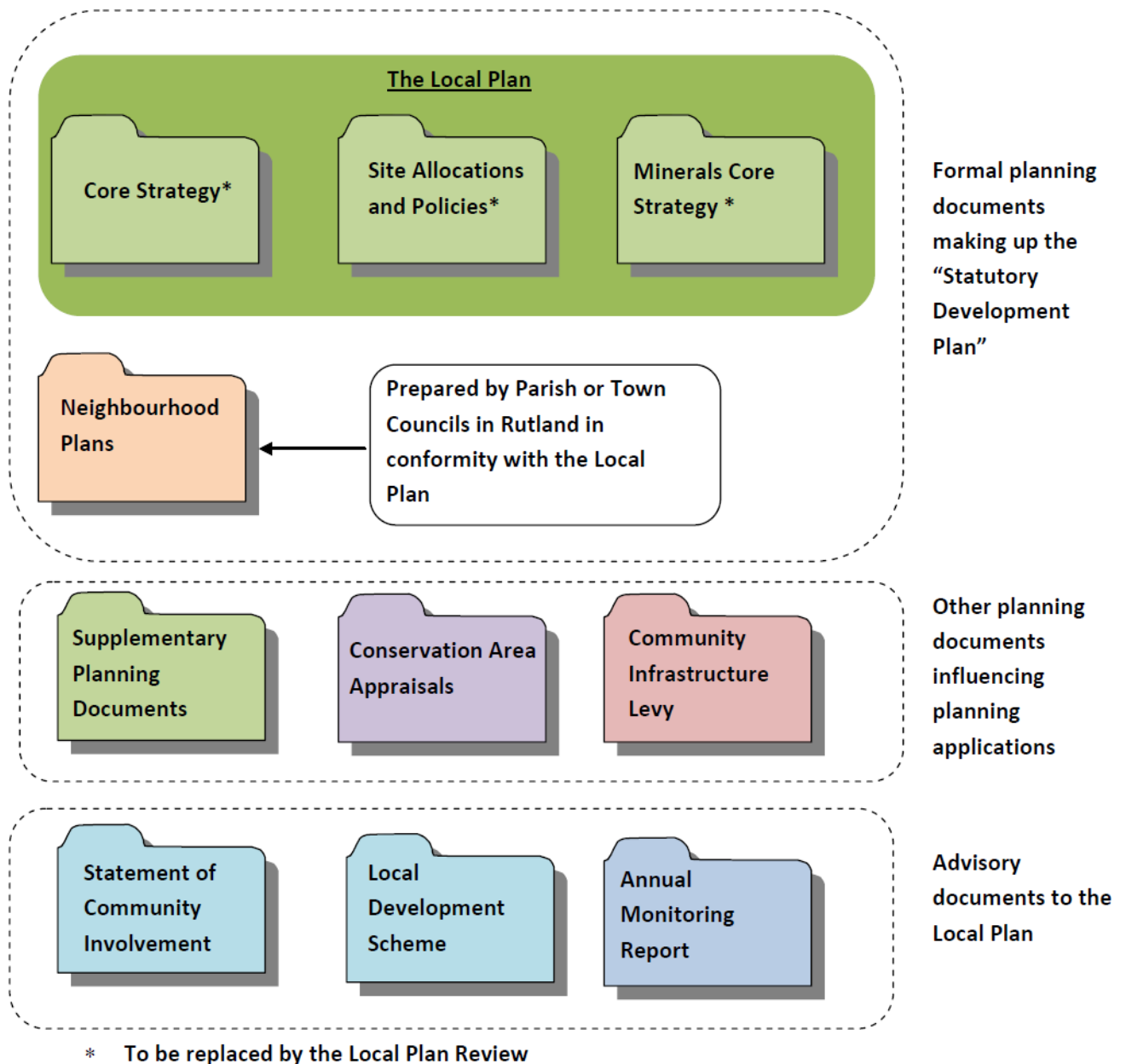
² <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/planning-policy/community-infrastructure-levy-cil/>

- which are not being implemented and the reasons for this;
- details of any neighbourhood plans and progress with work on the Duty to Cooperate;
- information regarding the Community Infrastructure Levy;
- information collected for monitoring purposes.

2.12 The [latest AMR](#) can be found on the Council’s website.³

2.13 A diagram showing an overview of the different documents which currently make up the Rutland Local Plan is shown in Diagram 1.

Diagram 1: The Local Plan and Planning Policy Framework



³ <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/planning-policy/annual-monitoring-report/>

3.0 NEIGHBOURHOOD PLANS

- 3.1. Neighbourhood plans provide an opportunity for local people to influence development in the areas where they live or work. Neighbourhood Plans become part of the development plan and the policies within them used in determining planning applications within the relevant Neighbourhood Plan Area. A key criteria for a neighbourhood plan is that it is general conformity with the overarching strategic policies in the Rutland Core Strategy DPD (or emerging Local Plan).
- 3.2. At the time this LDS comes into effect, the following Neighbourhood Plans have been ‘made’:
- Edith Weston Neighbourhood Plan – June 2014
 - Uppingham Neighbourhood Plan – January 2016
 - Cottesmore Neighbourhood Plan – July 2016
 - Langham Neighbourhood Plan – April 2017
 - Greetham Neighbourhood Plan – October 2017
 - Barrowden and Wakerley Neighbourhood Plan – November 2019
- 3.3. Langham, Uppingham and Edith Weston are reviewing their Neighbourhood Plans. In addition, Neighbourhood Plans are currently being prepared for the following designated Neighbourhood Areas: Wing, Ketton and Tinwell, Market Overton, North Luffenham and Oakham and Barleythorpe. Further information on these plans can be found on the [Neighbourhood Planning](#) pages of the Council’s website.⁴
- 3.4. As at April 2020, the Council’s understanding of progress with emerging Neighbourhood Plans or ones under review is as follows:

Neighbourhood Plan	Status as at April 2020
Oakham and Barleythorpe Neighbourhood Plan	Final Examiner’s report received; awaiting referendum.
Langham Neighbourhood Plan review	Regulation 14 consultation completed; awaiting submission to Council under Regulation 15.
Market Overton Neighbourhood Plan	Regulation 14 consultation completed; awaiting submission to Council under Regulation 15.
Ketton and Tinwell Neighbourhood Plan	Regulation 14 consultation completed; awaiting submission to Council under Regulation 15.
North Luffenham Neighbourhood Plan	Awaiting Regulation 14 consultation
Uppingham Neighbourhood Plan review	Awaiting Regulation 14 consultation
Wing Neighbourhood Plan	Awaiting Regulation 14 consultation
Edith Weston Neighbourhood Plan review	Awaiting detail on the extent of the review

⁴ <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/neighbourhood-planning/>

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4.0 RUTLAND LOCAL DEVELOPMENT PROGRAMME

4.1. The documents the Council will prepare over the next three years are:

Rutland Local Plan

4.2. The Council is preparing a new Local Plan, which when adopted will replace all existing adopted Local Plan documents. The first stage of public consultation on the preparation of the Local Plan – the Issues and Options report – will take place in May and June 2022. The consultation will involve determining the plan period but for the purposes of the LDS this is assumed to be up to 2041 to enable a period of at least 15 years from the intended adoption of the Local Plan.

4.3. The stages of preparing the emerging Local Plan and updated timing for key milestones is set out below (and in Appendix 1).

Key Milestones for Preparation of Rutland Local Plan		
	Stage of Plan Making	Timetable
Regulation 18	Consultation on Issues and Options	May- June 2022
	Public consultation on preferred options consultation document	Summer 2023
Regulation 19	Formal public consultation on proposed submission Plan	Spring 2024 (planned)
Regulation 22	Submission to Secretary of State	Summer 2024 (planned)
Regulation 24	Examination of Local Plan	Autumn/Winter 2024/25 (planned)
	Receipt of Inspector’s Report	To be advised
Regulation 26	Adoption of Local Plan	To be advised

4.4. It should be noted that once the Local Plan is submitted to the Secretary of State the timing of subsequent stages is in the hands of the appointed Inspector and dependent on the need to publish and consult on Main Modifications recommended by the Inspector following the examination hearings.

4.5. The Local Plan is accompanied by a Policies Map, which will be updated to reflect any changes to area specific policies and site allocations.

Statement of Community Involvement

4.6. The SCI has been subject to some minor wording changes and is recommended for approval by Cabinet at its meeting in April 2022.

5.0 RESOURCES AND PROGRAMME MANAGEMENT

5.1 The lead role in the production of Local Plan documents will be taken by the Council’s planning policy team. However, recognising that the Local Plan will reflect the objectives and priorities of the Council’s Corporate Plan and other strategies, there will be input from various parts of the Council. Consultants will need to be engaged on specific projects which require specialist

expertise.

- 5.2 Close working with a range of stakeholders and partners will also be important to the preparation of the Local Plan and other planning policy documents.
- 5.3 At Examination stage, the Council will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross boundary impacts. Details of how the Council has undertaken this engagement will be set out in a Duty to Cooperate Statement, which will be published as supporting document when the Council submits the Local Plan for examination.
- 5.4 The County Council has a good track record of working with other authorities in particular on joint evidence based work (e.g. Strategic Housing Market Assessment) and the Council's minerals waste planning service is currently provided in conjunction with North Northamptonshire Council and ecology services are provided by Leicestershire County Council.
- 5.5 The Council will keep open the possible production of joint evidence studies and if appropriate, the preparation of joint Local Plans, DPDs or SPDs.
- 5.6 The Portfolio Holder for Planning, Transport and Highways has responsibility for the Local Plan and other planning policy documents. The Growth, Infrastructure and Resources Scrutiny Committee will consider draft policies and proposals and make recommendations to Cabinet. The approval for publication of the Local Plan (under Regulation 19) will require approval by Full Council.

6.0 RISK ASSESSMENT

- 6.1 The main risks to the successful progress on the preparation of the documents in the LDS are:

Risk	Impact	Mitigation
<p>Resources Inadequate resources to undertake specific areas of work</p>	<p>Unable to progress work</p> <p>Potential impact on quality of work</p>	<p>Regular monitoring of resources, budgets and costings</p> <p>Explore opportunities for joint working and more cost effective way to deliver services</p>
<p>Staff turnover</p>	<p>Delays in document preparation</p>	<p>Flexibility in use of staff resources</p> <p>Secondment of staff or use of short term contract staff</p>
<p>Changes to the Planning System Government proposals are expected to reform the planning system following the publication of a White Paper in 2020, although an expected Planning Reform Bill has been delayed</p>	<p>Difficulty of progressing with work</p> <p>Key programme milestones not met</p>	<p>Government advice at present is to continue with the preparation of development plans</p>

Rutland Local Development Scheme 2022-2025

Risk	Impact	Mitigation
Evidence base requirements	Evidence base becomes out of date and may require reviewing, creating delays in delivery of Local Plan	Anticipate what information is required in advance so can be built into programme
Planning Inspectorate (PINS) unable to meet the timescale for examination and report	Delay to examination/reporting Key programme milestones not met	Liaise with PINS on timetable and provide early notification of anticipated submission date Close liaison with PINS to highlight any potential issues/problems at early stage
Legal Challenge/soundness	Local Plan fails tests of soundness which would significantly delay process Legal challenge to document could see Local Plan, or part of it, quashed and requirement to repeat work	Ensure procedures, Acts and Regulations are complied with Use of PAS Local Plan Toolkit and peer review Draw on external expertise where necessary to ensure evidence and approach to policy is robust
Continuation or Re-instatement of Covid19 Restrictions (or similar)	Regulation 35 requires a copy of the Regulation 19 Local Plan to be available for public inspection at the Council's principal Office. Closure of public buildings and restrictions on public access, public meetings and peoples movement Postponement of Local Plan Examination hearings until further notice	Review ways in which copies of the documents can be made available for inspection at the Council's Principal Office in a safe manner which confirms to the latest Covid19 restrictions and regulations. Review the SCI to remove need to use consultation methods which rely on public access and face to face contact and replace with greater use of virtual and electronic formats whilst responding to the needs of those who do not have access to the internet and a computer. Continue close liaison with PINS to respond to any potential issues/problems at early stage

7.0 MONITORING AND REVIEW

- 7.1 Any changes in content of documents or timetable will be monitored through the AMR. In the event of work proceeding more quickly or slowly than programmed, adjustments will be highlighted in the AMR and the LDS amended as necessary.

APPENDIX 2 - Glossary

Authority Monitoring Report (AMR)	Report on how authority is performing with regard to meeting the timetables for preparation of Local Plan documents and the performance of planning policies, with the identification of any remedial action to be taken if required
Community Infrastructure Levy (CIL)	Charge that local planning authorities can impose on new developments in their area. Money can be used to support development by funding infrastructure that has been identified by the Council and the local community
Development Plan	Includes adopted local plans and neighbourhood plans that have been made. Currently comprises the Minerals Core Strategy and Development Control Policies DPD, Rutland Core Strategy DPD and Site Allocation and Policies DPD. Will be replaced on adoption by the Rutland Local Plan 2018 – 2036.
Local Development Scheme (LDS)	The Council's three-year programme for preparing Local Development Documents.
Local Plan	In law described as a Development Plan Document (DPD) can consist of either strategic or non-strategic policies, or a combination of the two. They are subject to an independent examination by a planning inspector and are prepared in consultation with the local community
Neighbourhood Plan	A plan prepared by a Town/Parish Council or neighbourhood forums for a specific neighbourhood area. They are subject to community consultation, an independent examination by an examiner and a local referendum process. Once made, these documents form part of the statutory development plan for the area
Policies Map	This is a map on an Ordnance Survey base for the whole of the local planning authority's area which shows where the policies in the Local Plan applies. The Policies Map may include inset maps for particular villages or areas to show information at a larger scale. The Policies Map may be updated each time that a Local Plan is adopted
Statement of Community Involvement (SCI)	Sets out how the Council will engage and consult with the public and other stakeholders during the production of the Local Plan and when dealing with planning applications
Supplementary Planning Document (SPD)	Expand on policies and proposals in Local Plans. They do not form part of the statutory development plan and are not subject to independent examination. SPDs are typically produced to provide more detailed guidance on how a particular policy should be implemented or site developed. Once adopted, SPDs form part of the Local Plan as non-statutory documents.

CABINET

5 April 2022

**COVID 19 UPDATE & CESSATION OF
EMERGENCY POWERS**

Report of the Leader of the Council

Strategic Aim:	All	
Key Decision: No	Forward Plan Reference: FP/170322	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor Oliver Hemsley, Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships, Economy, and Infrastructure.	
Contact Officer(s):	Marie Rosenthal, Interim Deputy Director for Corporate Governance (Monitoring Officer)	mrosenthal@rutland.gov.uk
Ward Councillors	All	

RECOMMENDATIONS

That Cabinet:

1. Agrees to cease the use of emergency powers delegated to the Chief Executive in May 2020 in relation to the Covid 19 Pandemic.
2. Notes the need to keep the situation under review and report back should future outbreak management require it.

1 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to recommend ceasing the use of the Civil Emergency delegated powers agreed on 9 April 2020.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 During the Covid 19 pandemic in 2020/21 and 2021/22, the Government introduced regulations and legislation to protect public health, and support individuals, businesses, and public services. These included new responsibilities for local authorities in enforcing public lockdowns and domestic restrictions imposing a legal duty on individuals who test positive and certain close contacts to self-isolate. These

laws were formally repealed by the Government on 24 February 2022 and have now been replaced by new Guidance.

2.2 On 9 April 2020, during the initial stages of the Covid 19 Pandemic and the introduction of these legislative restrictions, Cabinet agreed the use of the Council's Civil Emergency delegated powers as set out in the Council's Scheme of Delegation and including emergency financial powers under the Financial Procedure Rules.

2.3 A Decision-Making Log was created for the use of the emergency powers (and other delegated powers that were deployed during the crisis). This Log was created to record the decisions that had been made, who was consulted in relation to each decision and the powers that they have been made under. A redacted version of the Log is published on the Council's website. <https://www.rutland.gov.uk/my-council/decision-making-and-council-meetings/covid-19-executive-officer-delegated-decisions-log/>

2.4 During the emergency period, other business as usual decisions were made through Cabinet and eventually Council and Committee using the virtual meeting regulations.

2.5 Now that the Government has repealed the emergency legislation and Covid 19 infection rates have decreased, there is no operational need to continue the delegated officer emergency arrangements.

2.6 The situation will continue to be monitored and if infection rates rise in the County this will be the subject of a further report.

3 CONSULTATION

3.1 Group Leaders have been consulted on this proposal to cease emergency powers and agree.

4 ALTERNATIVE OPTIONS

4.1 The emergency delegation could remain in force, but this is not necessary.

5 FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications arising from this report.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

6.1 These are contained in the Report.

7 DATA PROTECTION IMPLICATIONS

7.1 None arising from this Report.

8 EQUALITY IMPACT ASSESSMENT

8.1 An Equality Impact Questionnaire is not required for this report.

9 COMMUNITY SAFETY IMPLICATIONS

9.1 There are no community safety implications arising from this report.

10 HEALTH AND WELLBEING IMPLICATIONS

10.1 There are no health and wellbeing implications arising from this report.

11 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

11.1 Now that the Government has repealed the emergency legislation and Covid 19 infection rates have decreased, there is no operational need to continue the delegated officer emergency arrangements.

12 BACKGROUND PAPERS – NONE

13 APPENDICES – NONE

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

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CABINET

5th April 2022

COMMUNICATIONS AND ENGAGEMENT STRATEGY

Report of the Leader of the Council

Strategic Aim:	All	
Key Decision: No	Forward Plan Reference: FP/100222	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor O Hemsley, Leader and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure.	
Contact Officer(s):	Kevin Quinn, Head of Corporate Services	01572 758292 kquinn@rutland.gov.uk
	Mat Waik, Communications Service Manager	01572 758328 mwaik@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Cabinet:

1. Approves the new Communications and Engagement Strategy.

1 PURPOSE OF THE REPORT

- 1.1 To seek approval from Cabinet for the Communications and Engagement Strategy (CES).

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 Communication and engagement are an essential component for supporting the delivery of the Council’s strategic aims. Done effectively it can play a key role in promoting the Council and its contribution to the County, generating support for decision making and helping to develop services based on community needs.

2.2 Future Rutland Conversation (FRC)

- 2.2.1 This has been highlighted recently by the FRC which marked the beginning of a renewed focus by the Council to work collaboratively with the community and wider stakeholders. During this process, residents told us that they wanted to continue to

be involved and have opportunities to have a say on the important issues that affect them and the services that the Council provides.

- 2.2.2 A survey of participants sought to understand how and why people chose to take part in the project and whether they valued this type of engagement, the findings were:

When asked for the main reason they got involved most respondents, 57%, said it was because they wanted to share their views on the things that matter most to them. Some 80% of respondents indicated that having a chance to share their views was the thing they liked most, while 20% said they valued being listened to.

When asked how the FRC should be maintained going forward, 87% of respondents said spot surveys about key issues, while 35% said regular discussion events and forums on themed topics.

2.3 Our Corporate Plan

- 2.3.1 The development of a new corporate plan has also provided an opportunity for Councillors to discuss the type of Council we want to be in the future. This resulted in a shared agreement that the Council would be an outward facing organisation which is engaged with its residents. It was agreed our approach to engagement must be balanced, recognising that there will be times when engagement is not appropriate or a good use of resources.

- 2.4 Therefore, the new CES provides a clear structure for the Council to deliver consistent and effective communication and engagement activities.

3 COMMUNICATION AND ENGAGEMENT STRATEGY 2022-27

- 3.1 The CES (Appendix A) will underpin the delivery of the new Corporate Plan and has two aims:

- 3.1.1 Strengthening the Council's relationship with communities: Establishing a model of communication and engagement which supports open dialogue, promotes shared responsibility and involves our residents and the community to shape and deliver key services.

- 3.1.2 Building confidence in the Council's work: Our residents, staff and stakeholders all have a clear understanding of the Council's work, its aims and objectives, its services, and its effectiveness.

- 3.2 These aims are supported by seven goals which we will work towards over the next two years.

- 3.3 The CES also sets out a new organisational approach which is intended to be adopted across all communication and engagement activity. This includes guidance on determining the purpose of our activities e.g. to inform, to engage, to consult, and how best to deliver this, recognising that there are different types of approach needed depending on the aim.

- 3.4 The Future Rutland Vision will also necessitate a consistent dialogue with the community on how the Council is contributing, the CES will act as a key framework in support of this.

3.5 Next Steps

- 3.5.1 Following approval the Communications Service will lead the overall implementation of the new strategy, working alongside officers and Councillors to embed models of practice and guide robust and consistent communication and engagement activities.

4 **CONSULTATION**

- 4.1 As outlined, the FRC provided an opportunity to discuss with residents and the wider community how the Council can engage moving forward. The CES builds on this process.

5 **ALTERNATIVE OPTIONS**

- 5.1 The Council does not have a CES in place to support Council activities. We can continue without one, however, this could result in disjointed and ineffective communication and engagement activity which may undermine our intentions to effectively engage residents and build confidence in the Council.

6 **FINANCIAL IMPLICATIONS**

- 6.1 There are no financial implications arising from this report.

7 **LEGAL AND GOVERNANCE CONSIDERATIONS**

- 7.1 There are not considered to be any legal or governance issues associated with this report. The guidance within the new CES covers all statutory consultations that are required.

8 **DATA PROTECTION IMPLICATIONS**

- 8.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks/issues to the rights and freedoms of natural persons within this report.

9 **EQUALITY IMPACT ASSESSMENT**

- 9.1 An Equality Impact Assessment (EqIA) has not been completed because no service, policy or organisational changes are being proposed. The strategy applies all Council communications and engagement and recognises the need to ensure that models of practice are inclusive.

10 **COMMUNITY SAFETY IMPLICATIONS**

- 10.1 There are no community safety implications arising from this report. However, effective communications and engagement can help to contribute to our revised Corporate Plan and aim to maintain Rutland as one of the safest places to live.

11 **HEALTH AND WELLBEING IMPLICATIONS**

- 11.1 There are no direct health and wellbeing implications arising from this report. However, effective communication and engagement can help to contribute to our revised Corporate Plan which will include commitments to support the health and wellbeing of residents.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 The CES builds on the Future Rutland engagement process and the value residents placed on having opportunities to be engaged.
- 12.2 The CES provides a framework for the Council to deliver consistent and effective practice in support of our Corporate Plan and the Future Rutland Vision.
- 12.3 Therefore, it is recommended that Members approve the new Communications and Engagement Strategy 2022-27.

13 BACKGROUND PAPERS

- 13.1 There are no additional background papers to the report.

14 APPENDICES

- 14.1 Appendix A – Communication and Engagement Strategy 2022-2027

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

Rutland County Council

Communications and Engagement Strategy

2022-27

Supporting Rutland County Council and the community through effective communication and engagement

Service area: Corporate Communications

Version: V2.3

Last edited: 22 March 2022

1. Purpose

This strategy is intended to support Rutland County Council's Corporate Plan and strategic aims through effective communication and engagement.

The strategy is focused on achieving two key priorities:

Strengthening the Council's relationship with communities: Establishing a model of communication and engagement which supports open dialogue, promotes shared responsibility and involves our residents and the community to shape and deliver key services.

Building confidence in the Council's work: Our residents, staff and stakeholders all have a clear understanding of the Council's work, its aims and objectives, its services, and its effectiveness.

2. Background and context

The importance of external communication

Effective communication and engagement are essential components for helping the Council to deliver its strategic objectives, discharge its democratic duties, create awareness and understanding of its work, and maintain an open dialogue with residents and stakeholders.

The need for this is greater now than it has ever been because the current landscape is extremely challenging. Financial pressures, the impact of the COVID-19 pandemic and a raft of new statutory responsibilities all require the Council to consider what services are delivered in the future and how. This will mean a change in what the community can expect from the Council and a greater exploration of how the community can contribute – working together to realise our shared vision.

We must communicate and engage consistently and effectively to create mutual understanding between the Council and the communities it serves. We must make sure that our communities understand how and why decisions are made and have confidence that we are always working in the best interests of the County. By doing this, we will build trust and understanding – helping to avoid the pitfalls of confusion and misapprehension and enabling the Council to operate effectively.

The importance of internal communication

Good communication within organisations is also a critical ingredient for success. Routine two-way sharing of information helps staff and Councillors to carry out their roles effectively, promotes a sense of shared understanding and unity, and ensures employees feel valued. In turn, this can have a positive influence on staff wellbeing and performance, which aids staff retention and supports the overall delivery of Council's objectives.

Continuous ongoing engagement – the Future Rutland Conversation

Throughout 2021, Rutland County Council led the Future Rutland Conversation. This was an extensive year-long community engagement exercise that supported the development of an aspirational vision and set of long-term priorities for the County that everyone could share and work towards:

“A County for everyone and a place to live your best life.”

The Future Rutland Conversation marked the beginning of a renewed focus by Rutland County Council to work with the community and wider stakeholders to collaborate. During this process, residents told us that they wanted to continue to be regularly involved and have opportunities to have a say on the important issues that affect them and the services that the Council provides.

3. Our goals

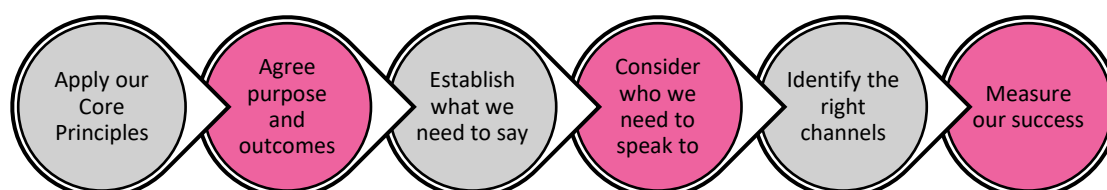
To achieve the two key priorities stated at the outset of this strategy and support Rutland County Council to reach its wider organisational objectives, we have established seven goals linked to communication and engagement:

- Create opportunities for residents to engage in decisions and services that are significant for the County
- Ensure that external communication and engagement activity is timely, accurate and relevant
- Promote awareness and understanding of Rutland County Council’s work
- Support behaviour change that may be needed to meet our corporate aims (e.g. how to recycle properly to help improve recycling rates)
- Provide information in a way that helps our customers
- Make digital channels our primary means of communication while remaining connected offline
- Ensure that internal communication promotes our shared vision and organisational values

4. Our Approach to Communications

To provide a consistent approach for the Councils internal and external communication and engagement activity, we have established a six-step process which will be applied across all Council services, projects, campaigns, and programmes of work.

Figure 1. Six-step process for communications planning



Step 1: Apply our Core Principles

Serve a clear purpose

Our communication activity must serve a purpose and directly contribute to the delivery of one or more commitments defined in the Corporate Plan 2022-27.

Be timely

We will communicate early. Where community engagement activity is deemed appropriate this will be done in advance of any decision or service change, giving people time to participate.

Engage and listen

When we undertake engagement activity, we will provide opportunities for two-way dialogue with residents and stakeholders by both communicating outwardly and listening to what they have to say.

Clear and transparent

As well as being timely, the information that we share will be clear, concise, relevant, accurate and engaging, and will simplify complex issues and subject matters.

Informative

At all times, our communications activity will seek to educate and inform in order to promote a shared understanding and dispel any confusion or misconception.

Step 2: Agree purpose and desired outcomes

Agree purpose

Rutland County Council's communications activity (whether internal or external) serves one of three purposes:

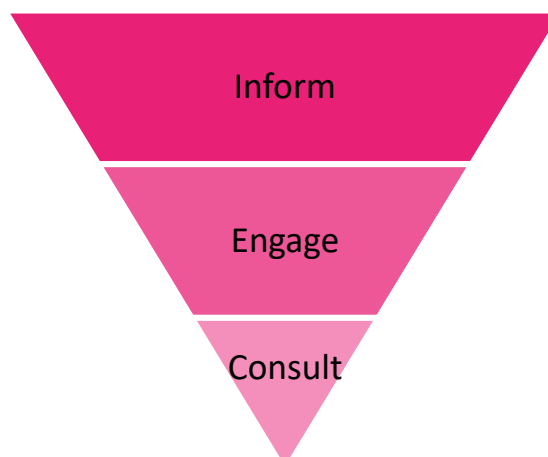
- We communicate to **inform**
- We communicate to **engage**
- We communicate to **consult**

Purpose	When we will do this
<p>To inform</p> <p>Imparting information to a wide range of stakeholders without requiring a response back.</p> <p>Promotes awareness and understanding of general operations and service delivery.</p> <p>Information is widely disseminated and easily accessible, providing a complete picture of what the Council is doing.</p> <p>Makes up most of the Council's day-to-day communications activity.</p>	<p>Council governance, including information about meetings and decisions (before and after they are taken).</p> <p>A new service, campaign or programme is launched.</p> <p>Operational changes to services (planned and unplanned).</p> <p>Sharing good news and success stories.</p> <p>Reporting on Council performance.</p> <p>Responding to serious incidents and emergencies.</p>

Purpose	When we will do this
<p>Engage</p> <p>A targeted facet of Council communications that supports focused discussions with relevant stakeholders.</p> <p>More active and involved than simply sharing information.</p> <p>Establishes a two-way conversation to make sure information is exchanged between the Council and stakeholders in relation to specific issues and their participation in decision making processes.</p> <p>Emphasis on building and maintaining mutually beneficial relationships through on-going dialogue.</p>	<p>To assist in the development of new ideas, services and long-term policies/approaches.</p> <p>When decisions may impact on services and the County.</p> <p>When targeted communication is needed to make certain specific groups have received and understood important information.</p> <p>While one of our key aims is to provide opportunities for residents to be engaged, this must be proportionate, relevant to the issue or subject at hand, utilise our resources wisely and ensure maximum benefits of the community.</p>
<p>Consult</p> <p>A structured process to gather the views of residents and stakeholders in relation to a specific issue or change.</p> <p>An extension of Engagement – it precedes formal changes to services and is more resource intensive.</p> <p>Involves obtaining views and opinions and accounting for them through careful analysis and evaluation.</p> <p>Particularly relevant for statutory services.</p> <p>Follows the <u>Gunning Principles</u> and <u>government best practice</u>.</p>	<p>When formal changes to services are being considered.</p> <p>When there is a statutory requirement to consult.</p>

The bulk of our communications activity will be geared towards keeping residents and other stakeholders well-informed. We will carry out in-depth engagement whenever appropriate and in a way that helps to strengthen our relationships with stakeholders. We will consult when needed.

Figure 2. Relative proportion of RCC communications activity (indicates volume of activity and not importance/value)



Agree desired outcomes

Setting objectives that are specific, measurable, achievable, relevant, and time-bound (SMART) is a prerequisite for good communications planning and evaluation. Intended objectives and outcomes will be agreed before each communications programme begins and tied to the Council's wider strategic aims, to provide a sound basis for measuring results and determining success.

Step 3: Establish what we need to say

Before starting any kind of communication or engagement activity, we will carefully consider and develop the key messages we need to convey. This will ensure that the information produced and shared is more likely to be understood and achieve the intended outcomes.

The importance of developing clear messages based on the information needs of our audiences applies whenever we need to communicate. For example:

- Helping residents to complete a transaction, access a service or take part
- Helping residents and stakeholders to understand what the Council is doing
- Engaging residents to provide their input into a new service or way of working
- Consulting residents on a change to services
- Publishing statutory information that must be shared
- Distributing information on behalf of our key partners that is relevant to our vision and important for residents to know and understand
- Providing community leadership in the event of an emergency or serious issue
- Celebrating success and achievement, including that of the Council, community, and partners
- Helping and supporting behaviour change where needed e.g. adopt a new way of accessing a service. If the activity is designed to bring about behavioural change, we will undertake a [problem analysis](#) prior to beginning communication which will help to ensure the plan is more effective.

Step 4: Consider who we need to speak to

When we use the term 'Stakeholders' we are referring to anyone who has a stake or vested interest in the Council, its operations, or the county of Rutland. Clearly, this is an extensive list of groups and individuals. Before we embark on any form of communications or engagement activity, we must first understand which of our many stakeholders need to be reached.

We will adopt a targeted approach to stakeholder relations that recognises where some stakeholders may take priority over others. We will also communicate and engage with stakeholders appropriately – in ways that consider their individual information needs. By investing time and care in stakeholder relations, the Council will strengthen its relationships with others in a way that promotes future collaboration and is mutually beneficial to all parties involved.

Step 5: Identify the right channels

There are a range of different channels available to the Council, depending on the purpose of our communications. Adopting the right mix of channels after stakeholders have been identified, messages have been developed and outcomes have been agreed, is essential for success.

Rutland County Council is committed to making digital channels its primary means of communication in response to customer preferences and feedback gathered through the [Future Rutland Conversation \(Council Services\)](#). This will be done while supporting digital inclusion and remaining connected offline by providing effective alternatives for those without internet access. The Council's channels include but are not restricted to:

- Public meetings or focus groups
- Newsletters (printed and digital)
- Email
- Telephone
- Direct Mail
- Local/regional/national/trade media
- Website and MyAccount
- Social Media
- Video
- Communication through partner organisations:
- Printed materials (such as posters and leaflets)
- Paid advertising and advertorials
- Indoor and outdoor events
- Video conferencing (e.g. Zoom)

Step 6: Measure our success

We will monitor a range of metrics, performance indicators and sources of information to determine the success of our communication and engagement, and whether our activities have achieved their desired outcomes. This may include:

- Website traffic/page visits
- Engagement on social media
- Public enquiries
- Survey responses
- Attendance at groups and events
- Written and verbal feedback

5. Roles and Responsibilities

The role of the Communications Service

The Communications Service will work proactively to implement this strategy and will be responsible for leading the Council's communication and engagement activities, as well as embedding best practice across the organisation. The service will:

- Provide ownership and act as a quality controller to ensure that all communication activity aligns to our strategy and priorities
- Lead communication and engagement activity for all major Council strategies, projects, programmes and campaigns and to collaborate with teams to develop robust communication and engagement plans
- Maintain a high level of awareness of emerging political, social, economic and communication developments at local, regional and national levels and ensure this is accounted for in all communication activity
- Provide expert advice and guidance to teams on service-level communications activity i.e. promotion of a service
- Advise and guide in the development of external communication materials, provide writing, style and branding guidelines
- Promote effective use of communication channels through clear guidance. This includes supporting the development and effective use of the website
- Deliver internal communications that facilitates a two-way flow of information, ensuring all staff and Councillors are well informed and confident in sharing information
- Foster positive relationships with the media, and other influencers, so that we can work collaboratively with them
- Maintain a close working relationship with key stakeholders and support effective partnership working on communications programmes

In addition to its proactive work, the Communications Service will put resources and process in place to respond to emerging issues which need a communications response. This reactive role can range from low-level media enquiries to major national and even international incidents which have a bearing on Rutland.

Council Officers

Council officers will be proactive in promoting the Council by providing timely and accurate information to residents about services and, where appropriate, ensuring that the community are engaged when considering new or changes to services. Officers will keep information and materials, including digital content, up to date and will work collaboratively with the Communications Service to develop communications that help to improve service delivery, enhance customer experience and support the Council to achieve its wider strategic objectives.

Rutland County Councillors

As elected representatives, Councillors will:

- Help residents to participate in decision making and to proactively engage the community on key issues and matters for the County.
- Keep residents regularly informed by disseminating key information and raising awareness of what the Council is doing.
- Promote, and provide, opportunities for residents to be involved in conversations about services, seeking out views and striving to make all voices heard.
- To advocate for those who may struggle to engage with us through conventional methods.
- Provide timely and accurate information and to challenge any misconception or misunderstanding of the Council and its services, as well as helping residents to understand the national context in which decisions and discussions are taking place.

6. Delivery

A range of key actions have been identified for the first two years of the strategy which will help to realise our communication and engagement goals:

- Create and publish a set of Minimum Service Standards and Commitments that will apply to all Rutland County Council communications and engagement activity
- Develop a central point of information that provides an overview of the Council's Corporate Plan and brings together policy updates and reporting from across the organisation to map progress against the Future Rutland Vision
- Complete a full audit and gap analysis of all Rutland County Council communications channels, supported by a separate stakeholder mapping exercise that identifies the main contacts and information needs for all key partner organisations
- Develop a new intelligence-led approach that uses customer feedback, analytics from digital platforms (like the Council's website and MyAccount service), national accessibility standards and Plain English best practice to identify ways of improving service-level information.
- Develop a digital roadmap that draws on the outputs from our communications audit and gap analysis to outline Rutland County Council's future digital offer – including development of a new corporate website, expansion of the MyAccount service, social media, email, video and photography, and digital inclusion.
- Develop an Internal Communications Strategy that outlines the Council's future approach to communication between officers, services, senior management and councillors – including the adoption of new corporate values, customer standards, staff engagement and the development of key channels such as the staff intranet.

7. Outcomes

Successful implementation of this strategy and achievement of its two key priorities will deliver the following outcomes:

- Residents and stakeholders will be fully informed about the Council's operations and its progress against both Corporate Plan objectives and relevant aspects of the Future Rutland Shared Vision
- Residents and Stakeholders will have clear lines of communication with the Council and feel valued
- People will know where to go to find easily accessible information about services and who to contact if they have questions
- Residents will understand why actions and decisions are taken by the Council, even if they do not always agree with them
- Residents and stakeholders will be able to engage with the Council around specific issues and decisions, to shape local policies and services
- Residents and stakeholders will know how they can help the Council achieve its strategic objectives for the benefit of local communities

8. Review

This strategy aligns to the Corporate Plan and will be reviewed every two years.

ENDS

For more information about this strategy document or Rutland County Council communications, please email: communications@rutland.gov.uk

CABINET

5th APRIL 2022

RISK MANAGEMENT POLICY AND STRATEGIC RISK REGISTER

Report of the Portfolio Holder for Finance, Governance and Performance, Change and Transformation

Strategic Aim:	All	
Key Decision: No	Forward Plan Reference: N/A	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr K Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation	
Contact Officer(s):	Saverio Della Rocca, Strategic Director for Resources (s.151 Officer)	01572 758159 sdrocca@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Cabinet approves the updated Risk Management Policy and notes the current status of the Council's key risks and considers whether additional action is required.

1 PURPOSE OF THE REPORT

- 1.1 To seek approval of the updated Risk Management Policy and to review the current strategic risk register.

2 BACKGROUND

- 2.1 The updated Risk Management Policy is attached at **Appendix A**. The Risk Management Policy was last updated in 2016. The Policy has been updated by the Director for Resources mainly to reflect changes made to risk management practice since the last policy update.

- 2.2 Updates can be summarised as follows:

- The Foreword now reflects the challenging environment within which risk management is being applied;

- Section 5 'Risk Appetite' includes details of how risk appetite is applied in practice including advice that all risks rated as "Red" (per the scoring system at Appendix C) do not meet the risk appetite of the Council and should be managed as far as they can be. Risk Owners are also advised that if they do not have sufficient resources to manage risks to an acceptable level then this should be raised with SMT and Cabinet. This is an important point for Cabinet to note. The Audit and Risk Committee play an important role here in that they can provide feedback as to whether they believe the risk appetite applied by Risk Owners is consistent with the Council's overall risk appetite.
- Section 6 'Approach' includes a commitment to produce Directorate risk registers and adds in details of how Internal Audit work contributes to the process.
- Section 8 includes further narrative (guidance) on the risk assessment and risk identification process but none of which changes the Council's approach. Details of how Directors assurance statements fit into the Annual Governance Statement are also included.
- A new Section 9 on Risk Outcomes has been added.
- Appendix B includes a new risk register template although variations of this are allowed as long as core risk information is included.
- Appendix C adds a clarification point that the risk assessment criteria is a guide for scoring but the Council accepts the fact that scoring can be subjective. Officers are advised to introduce an element of challenge into the scoring process and to benchmark scores for different risks to ensure scores look relatively consistent. The Audit and Risk Committee can again add value here by 'sense checking' relative scores across risks.
- Appendix E includes a diagrammatic overview of the risk management process.

2.3 Importantly, the Risk Management Policy, in itself, is meaningless if Members and staff do not apply the principles in their daily work. To this end, Zurich Municipal (ZM) have run a number of well attended risk workshops with officers and Members. ZM have remarked on the positive level of engagement and understanding from all concerned. Further workshops have also been held specifically focusing on procurement and contract risks. Directorates are also producing their own risk registers.

2.4 The current Strategic Risk register is included in Appendix B. Cabinet should note that the Council's top rated risks relate to financial sustainability (risk 74) and resourcing issues based on current workloads (risk 73).

3 CONSULTATION

3.1 The Risk Management Policy has been reviewed by Internal Audit and Zurich Municipal with comments taken into account. The Audit and Risk Committee has also reviewed the policy and some minor changes have been made.

3.2 The Strategic Risk Register is reviewed and challenged by Audit and Risk

Committee.

4 ALTERNATIVE OPTIONS

- 4.1 Cabinet is asked to approve the policy. Cabinet could request further changes or amendments.
- 4.2 Cabinet could also ask for additional actions in relation to the strategic risk register.

5 FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications arising from this report but the Committee should note that the failure to manage risks effectively could have a financial impact on the Council.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 The responsibility for setting the risk management framework rests with Cabinet in the context of the budget and corporate plan approved by Council.
- 6.2 There are no legal implications arising from this report.

7 DATA PROTECTION IMPLICATIONS

- 7.1 A Data Protection Impact Assessment (DPIA) has not been completed because there are no service, policy or organisational changes being proposed.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed.

9 COMMUNITY SAFETY IMPLICATIONS

- 9.1 There are no community safety implications.

10 HEALTH AND WELLBEING IMPLICATIONS

- 10.1 There are no health and wellbeing implications.

11 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 11.1 The effective development and operation of risk management and corporate governance is an important element of successfully delivering the Council's corporate priorities. The Risk Management Policy sets out the framework and the strategic risk register shows the status of key risks.

12 BACKGROUND PAPERS

- 12.1 There are no additional background papers.

13 APPENDICES

Appendix A – Risk Management Policy and Framework

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.



Rutland County Council

Risk Management Policy and Framework

Version & Policy Number	Version 1.0
Guardian	Director of Resources
Date Produced	14 January 2022
Next Review Date	1 April 2026

Approved by Cabinet	To be confirmed
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Summary of document

This document sets out the Council's policy and approach in relation to risk management. It is intended to demonstrate the commitment to good practice in this important area of governance and provides managers with the tools, techniques and understanding necessary to deliver effective risk management outcomes.

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1.0 FOREWORD FROM THE CHIEF EXECUTIVE

- 1.1 As a Unitary Council, Rutland County Council provides a wide range of services that combine to make a real difference to residents' lives on a daily basis. The Council is operating within a challenging climate:
- i. **Financial** - our funding from central government has reduced over time placing an additional burden on Council tax. The increases in funding (from whatever sources) are not sufficient to meet needs and other cost pressures leaving the Council with an ongoing challenge to set a balanced budget.
 - ii. **Demand/volumes** - we are facing increased demands for services in areas like adult and children's services, we are collecting and disposing of more waste than we ever have, we have more children with special educational needs and receive more applications for financial support. Demand puts pressure on existing resources.
 - iii. **Uncertainty** - the Council operates in a climate where there is significant uncertainty whether this be future around future funding, legislation and demand.
- 1.2 The Council remains focussed on delivering corporate plan priorities delivering value for money and endeavouring to protect front line services as far as possible. As such, we need to be innovative in the way we deliver services to ensure we achieve the most for every Rutland pound spent.
- 1.3 Changes in our approach to delivering services will create opportunities but will also create risks and uncertainty. It is essential that we manage the risks and opportunities associated with the delivery of our outcomes, by adopting good risk management principles. Effective risk management will enable us to have the right level of control in place to prevent identified risks from occurring or to contain the impact if they do.
- 1.4 This policy defines the minimum requirements in relation to risk management and provides guidance on the principles, tools, techniques and support which will enable us to manage the business more effectively and meet the increasing challenges we will face. It is incumbent on all of us to identify and raise concerns that might impact our ability to deliver our intended outcomes and I would encourage regular risk conversations as part of team meetings.

2.0 POLICY STATEMENT

- 2.1 This policy statement formally recognises the Council's responsibility and commitment to manage the strategic and operational risks that it faces in order to meet its intended outcomes. This includes protecting the health, safety and welfare of its employees and the people it serves, protecting its property, assets and other resources and maintaining its reputation and good standing in the community.
- 2.2 Risk is unavoidable. It is an important part of life that allows us all to move forward and develop. As an organisation it can impact in many ways, whether financially, politically, on our reputation, environmentally or to our service delivery. Effective risk management optimises the balance between risk and control, providing sufficient protection from harm, without stifling our development. As an organisation, with a range of different stakeholders, each with differing needs and expectations, this can be a challenge. We must ensure that the decisions we take as a Council reflect a consideration of the potential implications for all our stakeholders. We must decide whether the benefits of taking our actions outweigh the risks.
- 2.3 The Council's overriding attitude to risk is to operate in a culture of creativity and innovation, in which risks are identified in all areas of the business, are understood and proactively managed, rather than avoided. Risk management therefore needs to be taken into the heart of the Council and our key partners. We need to have the structures and processes in place to ensure the risks and opportunities of daily Council activities are identified, assessed and addressed in a standard way. This will allow us not only to meet the needs of the community today, but also be prepared to meet future challenges.
- 2.4 The Council's main aims in relation to risk management are to:
- i. Ensure that appropriate systems are in place to help identify, evaluate and make a conscious choice about how to deal with the risks that it faces
 - ii. Ensure that mechanisms exist to track and report business risks on an ongoing basis
 - iii. Embed risk management into the culture of the organisation in terms of how it operates and makes decisions
 - iv. Adopt a systematic approach to risk management as an integral element of business planning and performance management
 - v. Raise awareness of the need for risk management by all those connected with delivery of the Council's services (including partners and contractors)

3.0 INTRODUCTION

- 3.1 The effective management of risk is a central part of any organisation's strategic management and an integral part of corporate governance.
- 3.2 The focus of good risk management is the identification, assessment and response to key risks that may impact upon the achievement of the Council's stated aims and objectives. It also seeks to maximise the rewards that can be gained through managing risk effectively.
- 3.3 The Council requires all senior managers to make an annual assurance statement on the effectiveness of risk management and control within their respective areas. These statements form the basis of the Annual Governance Statement made by the Leader of the Council and the Chief Executive and included with the Council's financial statements approved by the Audit and Risk Committee.
- 3.4 Overall responsibility for ensuring that the Council has the appropriate systems in place to manage business risk at a strategic level lies with the Strategic Management Team (SMT) and the Director of Resources will champion the process on their behalf. At an operational level, individual Directors supported by Heads of Service will have responsibility for managing risks.
- 3.5 For the purpose of this document, risks are split into two levels. Directorate risks are those which may prevent individual service or directorate aims and objectives being met. Strategic Risks are those which:
 - i. Relate to the achievement of the long term purpose, priorities and plans of the Council;
 - ii. Impact more than one directorate or which require a response to be co-ordinated across multiple directorates; and
 - iii. Directorate risks which, if they materialised, would have the potential to impact significantly on service delivery and the reputation of the Council.
- 3.6 Risk management is both a 'top down' and a 'bottom up' process. The top down enables the identification and control of strategic risks while the bottom up process enables operational concerns to be escalated through the organisation as appropriate. The bottom up approach also enables the effect of similar concerns across directorates to be aggregated.
- 3.7 The benefits of an effective risk management strategy are as follows:
 - i. To ensure increased knowledge and understanding of exposure to risk and its importance in front line service delivery. This in turn

allows an early and proportionate response, which should mean fewer incidents and other control failures;

- ii. Where issues do arise, investigating what went wrong and taking appropriate remedial action creates a learning culture and an environment in which issues do not recur;
- iii. It provides assurance to members and management on the adequacy of arrangements for the conduct of business and the use of resources; and
- iv. This in turn protects the reputation of the Council which could otherwise be impacted by service disruptions and litigation.

3.8 The strategy will be subject to periodic review to ensure that it remains up-to-date and continues to reflect the Council's approach to risk management.

4.0 DEFINITIONS AND SCOPE

- 4.1 **Risk** can be defined as the threat that an event or action will adversely affect an organisation's ability to achieve its objectives and to successfully execute its strategies.
- 4.2 **Risk management** is a process which aims to help organisations understand, evaluate and take action on all their risks with a view to increasing the probability of success and reducing the likelihood of failure.
- 4.3 **Controls** are systematic measures implemented to mitigate risks and help an organisation achieve its objectives. Preventive controls are mechanisms established to discourage risks from occurring while detective controls are designed to identify the impact of risks that may have occurred.
- 4.4 This strategy is intended to reaffirm and improve effective risk management in the Council, comply with good practice and, in doing so, effectively manage potential opportunities and threats to the organisation achieving its objectives.
- 4.5 Ensuring that there is an understanding of 'risk' and that the Council adopts a consistent approach to identifying, prioritising and reporting risks should lead to conscious choices over the most appropriate method for dealing with each risk i.e. **tolerating, transferring or treating the risk or terminating** the activity which gives rise to it.

5.0 RISK APPETITE

- 5.1 An organisation's risk appetite is the amount of risk it is prepared to accept, tolerate or be exposed to in order to achieve its objectives. This is factored into planning, decision making and delivery.
- 5.2 It is important for the risk appetite to be understood within the organisation so that the appropriate response is made to identified risks. If managers are running the business without sufficient guidance on the amount of risk it is acceptable for them to take, or not seizing important opportunities because of a belief that taking on additional risk is discouraged, performance will not be maximised.
- 5.3 As a local authority, the Council not only has significant statutory responsibilities, but it is also responsible for being a catalyst for change in its local area – place shaping, stimulating the economy and facilitating growth. To be successful in delivering its aims and objectives with finite resources, the Council cannot eliminate risk entirely; rather it sometimes has to take calculated risks. The Council has a difficult balancing act. The Council therefore has a variable risk appetite. When it comes to issues of safeguarding and the welfare of staff and public, it has a low risk appetite which means as far as possible it will try to reduce risks as far as possible. In relation to other duties, the Council accepts and is willing to take more risk taking into account potential gains, stakeholder expectations, available resources and the organisation's capacity to deliver.
- 5.4 In practice, it is the responsibility of Cabinet to set the overall risk appetite. Risk Owners will then apply this in practice. To help Risk Owners, the matrix in Appendix D highlights that risks rated as "Red" would not meet the risk management appetite of the Council and will need to be actively managed as far as possible. Risks in the "Amber" will need to be considered further. Risk Owners should "consult" if they are unsure. In the event that Risk Owners do not believe that risks can be managed with the current available resources then this should be raised with SMT and Cabinet.
- 5.5 The Senior Management Team, Internal Audit and the Audit and Risk Management Committee will provide challenge as to whether the Risk Owners have interpreted the Council's risk appetite appropriately e.g. if a Risk Owner has decided to accept a risk which others believe should be managed then this can be discussed.

6.0 APPROACH

- 6.1 We will meet our risk management objectives by undertaking the following actions:
- i. Providing and using a robust and systematic framework for identifying, managing and responding to strategic and operational risks (see section 8);
 - ii. Establishing clear roles, responsibilities and reporting lines for risk management;
 - iii. Demonstrating a commitment to risk management and assurance through the actions and behaviours of the SMT in their decision making. We will also understand our risk appetite and the level of risk we are prepared to accept in different activities and service areas;
 - iv. Reinforcing the value of risk management by integrating it within the Council's (and partnerships') project management, performance management and procurement processes;
 - v. Establishing effective processes for oversight of the Council's risk exposure and monitoring both internal controls and external influences to understand changes in that exposure; and
 - vi. Increasing understanding and expertise in risk management through targeted training and sharing of good practice.
- 6.2 As evidence of the effectiveness of the approach we will expect to see the following (summarised in Appendix E):
- i. The strategic risk register is reviewed and discussed at the appropriate forum of SMT on a quarterly basis;
 - ii. Directorate risk registers are formally reviewed and discussed in Directorate Team meetings on a quarterly basis;
 - iii. The strategic risk register is presented to Cabinet at least twice annually as part of corporate performance reporting;
 - iv. The strategic risk register is presented to all Members (via Audit and Risk Committee) at least twice annually;
 - v. Project/programme registers are maintained by Project managers and available for audit and for Members considering project matters;

- vi. Tailored risk registers are maintained for key contracts as required in the Contract Procedure Rules;
- vii. Other risk registers may be developed (e.g. fraud risk register, business grants) at the discretion of Heads of Service/Managers;
- viii. Internal Audit will undertake a periodic review of risk management within the Council to determine the extent to which the framework is being deployed;
- ix. Internal Audit will undertake quarterly testing of risk registers to verify the effectiveness of controls;
- x. Internal Audit will consider how risks are being managed and whether controls deployed are designed and working effectively as part of individual audit assignments;
- xi. Reports to Member meeting in relation to decisions will include consideration of risks; and
- xii. Training will be provided to staff at regular intervals.

7.0 ROLES AND RESPONSIBILITIES

7.1 In order to ensure the successful implementation of the strategy, the following roles exist

Group/ Individuals	Role/ Responsibilities
Audit & Risk Committee	<ul style="list-style-type: none"> • To provide independent assurance to the Council and the Cabinet of the adequacy of the overall corporate governance and internal control environments including the associated approach to risk management • To review the content of the strategic risk register and the adequacy of associated risk management arrangements • To approve the Annual Governance Statement prior to sign off by the Leader and Chief Executive
Senior Management Team (SMT)	<ul style="list-style-type: none"> • Identify, manage and monitor strategic risks • Ensure that reports to support strategic and/or policy decisions include a risk assessment
Cabinet	<ul style="list-style-type: none"> • Approve the Council's Risk Management Strategy and Framework • Consider risk management implications when making decisions • Agree the Council's key risks and an appropriate response through consideration of the Strategic Risk Register and work of Portfolio Holders • Receive an annual report on risk management
Portfolio Holder for Finance	<ul style="list-style-type: none"> • The Cabinet Member with specific responsibility for promoting awareness and understanding of risk management
Director for Resources	<ul style="list-style-type: none"> • The SMT member with specific responsibility for promoting awareness and understanding of risk management and championing the benefits amongst colleagues
Chief Executive	<ul style="list-style-type: none"> • Leads on the wider corporate governance agenda of which risk management is a part • Receives assurance statements on internal control from senior managers and signs off the Annual Governance Statement along with the Leader of the Council
Directors	<ul style="list-style-type: none"> • Making arrangements to embed risk management throughout their areas of responsibility • Identify, manage and monitor operational risks

Group/ Individuals	Role/ Responsibilities
	<ul style="list-style-type: none"> • Reporting their directorate risks on a regular basis
Internal Audit	<ul style="list-style-type: none"> • Review and report on the risk management process • Feed into the annual assurance statements and provide an opinion based on audit work carried out through the year • Support facilitation of Directorate risk management registers providing advice and support
All Members and Officers	<ul style="list-style-type: none"> • Understand and act upon key risks that could significantly impact the achievement of service, team or project objectives

8.0 RISK MANAGEMENT PROCESS

8.1 The risk management cycle applies to all types of risk and involves a number of key stages which are outlined below.



8.2 **Defining objectives** is a critical first step in the risk management cycle because risks should have a clear link to what it is that the organisation is trying to achieve. In broad terms risks are split into various categories:

- Corporate – strategic risks relating to the long-term goals of the Council.
- Directorate – key risks specifically relating to the delivery of services within each directorate

- Project – consideration of the risks occurring as a result of the Council's involvement in specific initiatives
- Other – risks relating to any operational activity (fraud, contracts etc)

8.3 **Risk identification** is the process of documenting the risks/opportunities that could impact or prevent the achievement of a defined objective. It is the responsibility of all parties associated with an objective to help identify potential risks and report them to the manager responsible. The risk should be described clearly so that it is fully understood and to assist with determining the appropriate response. The risk register should therefore capture the risk together with causes and consequences. Potential risk sources are set out in Appendix A and a risk register format at Appendix B (but this can be varied as long as core risk information is included i.e. risk, controls, inherent and net risk score).

8.4 At the point when risks are being identified, the possible triggers and the likely consequences of each risk should be very clearly articulated. A *trigger is an event or condition that causes a risk to occur*. It is something specific that if it happens causes either the risk to crystallise (i.e. impact the Council) and/or a need to re-consider our risk assessment of that area. By identifying the triggers, we are better able to identify any controls or mitigating actions necessary to prevent the risk occurring and to recover quickly should that risk occur.

8.5 **Risk assessment** enables a score to be applied to both the likelihood of a risk materialising and the potential consequence/impact and ensures that resources are focused on the most significant concerns.

8.6 The consequence is the impact on the Council IF the trigger happens and/or if the issues, mitigations or controls within that area are not effectively managed. Consequences are mostly negative but can be positive, for example if we manage this well we will secure £x additional funding. These are scored.

8.7 Likelihood factors can include some elements we do not control and some controls and processes that manage an area of risk. Examples include:

- Budget management and forecasting
- Pre-employment checks
- Business Continuity plans

8.8 If these controls are robust and work effectively then they reduce the probability of a trigger or other factor causing the documented consequence. If these controls are absent or work ineffectively then the

probability increases that the documented consequence will occur and cause greater problems.

8.9 The score for an individual risk is the product of impact and likelihood using the criteria set out in Appendix C.

8.10 The Council uses a two stage risk assessment approach:

- i. Inherent Risk – the impact and likelihood of the risk without any controls in place – the inherent risk score if no action was taken
- ii. Residual Risk – the impact and likelihood of the risk considering the existing controls in place. Current controls should be evaluated and documented

In some environment, target risk is used. This measures the impact and likelihood desired by the Council. In reality, a target risk score may never be achievable. The risk response (i.e. actions to be taken) should reflect whether the residual risk score is acceptable. If is then by default the Council has achieved its target risk or accepts the level of residual risk.

8.11 **Risk response** is about taking action which balances cost with the level of risk faced by the Council. Options for responding to the risk are as follows:

- i. Tolerate – this is a conscious decision to take no action either because the risk is within the stated appetite of the Council or because it is expected to be a very low occurrence. The risk should be monitored to ensure its potential does not change
- ii. Treat – procedures and controls are put in place to reduce the likelihood or frequency of a risk materialising or to reduce its impact
- iii. Transfer – the risk is transferred to a third party by mechanisms such as insurance or outsourcing
- iv. Terminate – the activity giving rise to the risk is stopped

8.12 **Risk review and reporting** is required because all risks can change over time and therefore need close monitoring to ensure that current controls remain in place and are effective, and that mitigating actions are achieved within the target timeframe. All changes should be recorded and reviewed in directorate meetings in accordance with the guidance in Appendix D. The strategic risk register is reviewed by SMT on a quarterly basis.

8.13 As part of the Directors Assurance statements to support the Council's Annual Governance Statement the Chief Executive and Directors will

provide annual assurance in respect of the development, maintenance and operation of effective control systems for risks under their control.

9.0 RISK OUTCOMES

9.1 Overall success in progressing risk management will be assessed through consideration of the following:

- The Council is able to deliver against Council priorities
- Resources focused against areas of greatest corporate need and published priorities are delivered within the annual work programme
- Enhanced working at Rutland area level with confidence over partnership risk and assurance frameworks
- Risk Management priorities are embedded within both performance reporting and within the corporate assurance framework.

APPENDIX A - SOURCES OF RISK

	Sources of Risk	Risk Considerations
STRATEGIC	Political	<ul style="list-style-type: none"> • Changes in Government policy • National or local political pressures
	Economic	<ul style="list-style-type: none"> • Economic downturn – prosperity of local businesses/ local communities • Ability to deliver value for money
	Social	<ul style="list-style-type: none"> • Demographic changes • Crime and disorder, health inequalities, safeguarding issues
	Technology/IT	<ul style="list-style-type: none"> • Ability to respond to changing demands • Obsolescence of existing technology • Cyber security threats • Protection and misuse of data
	Legislation	<ul style="list-style-type: none"> • Changes in legislation • Legal challenges or judicial reviews
	Environment	<ul style="list-style-type: none"> • Climate change • Recycling, green issues, energy efficiency, land use and green belt issues

	Sources of Risk	Risk Examples
OPERATIONAL	Finance	<ul style="list-style-type: none"> • Budgetary pressures • System/ procedure weaknesses
	People	<ul style="list-style-type: none"> • Loss of key staff, recruitment, retention & development issues • Communication and consultation during transformation
	Partnerships and Contracts	<ul style="list-style-type: none"> • Delivery of services to agreed cost and specification • Clarity of roles and relationships
	Physical Assets	<ul style="list-style-type: none"> • Safety and security of land, buildings and equipment • Control of IT hardware
	Process	<ul style="list-style-type: none"> • Poor quality/ reduced service delivery • Confidentiality, integrity and availability of information

	Resilience	<ul style="list-style-type: none">• Emergency preparedness/ business continuity
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APPENDIX B - RISK REGISTER EXAMPLE TEMPLATE

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Risk ID: 77	Risk Title: Changes to LLR Health system may reduce our ability to shape services to meet needs	
Owner: Director - People	Actions <ul style="list-style-type: none"> • Develop a Rutland Health Plan in partnership with CCG, PCN and other Stakeholders <ul style="list-style-type: none"> ○ Added January 21 ○ Due for completion: End June 2021 ○ Revised date: March 2022 ○ This is now in draft and has gone to both Scrutiny and Health and Wellbeing Board. To be finalised in January 2022. 	Controls <ul style="list-style-type: none"> • Excellent relations with CCG/Community Health and GP's. • Delivering strong integrated health and social care offers with partners via BCF. • Significant integration already achieved proven by data. • Rutland integrated service is a nationally recognised success. • Services continue to develop such as with the Primary Care Network consolidating the Rutland approach.
Inherent Score: 8		
Residual Score: 6		
Date Risk Added: October 2019		
Last Review Date: October 2021		
PREVIOUS ACTIONS (REMOVED OR CLOSED) None		
Comments: None		

APPENDIX C - RISK ASSESSMENT CRITERIA

The following tables should be used as a guide to assess and prioritise risks to ensure that resources are focused accordingly accepting the fact that scoring can be subjective. Officers are advised to introduce an element of challenge into the scoring process. For example, owners should score risk themselves but then all risk scores should be independently verified by SMT or DMT as appropriate.

LIKELIHOOD MEASURES

	Extremely Unlikely 1	Unlikely 2	Low 3	More Likely than Not 4	Very Likely 5	Extremely Likely 6
Probability	Less than 10% chance of circumstances arising	11% to 30% chance of circumstances arising	31% to 50% chance of circumstances arising	51% to 70% chance of circumstances arising	71% to 90% chance of circumstances arising	More than 90% chance of circumstances arising
Timescale	It is unlikely to occur	Possible in the next 5 years	Possible in the next 3-5 years	Possible in the next 1-2 years	Likely to occur in the next 6-12 months	Occurred in the past month or is very likely to occur in the next month

IMPACT MEASURES

	Minor 1	Moderate 2	Major 3	Most Severe/Extreme 4
Financial	Financial revenue loss up to £500k over MTFP	Financial loss £500k – 750k over MTFP	Financial loss £750k to £2m	Financial loss over £2m
Reputation	A few minor complaints and/or minimal local media attention	A number of complaints and adverse local media attention	Some national media attention and sustained local media attention	Ministerial intervention and/or public enquiry with sustained national media attention
Service Delivery	Limited disruption to services	Disruption to services that do not directly affect vulnerable groups	Significant disruption to services directly affecting vulnerable groups	Loss of services directly affecting vulnerable groups
Health & Safety	Low level of foreseeable minor injuries	High level of foreseeable minor injuries/ low level of foreseeable serious injuries	High level of foreseeable serious injuries	Foreseeable long-term injury, illness or fatality

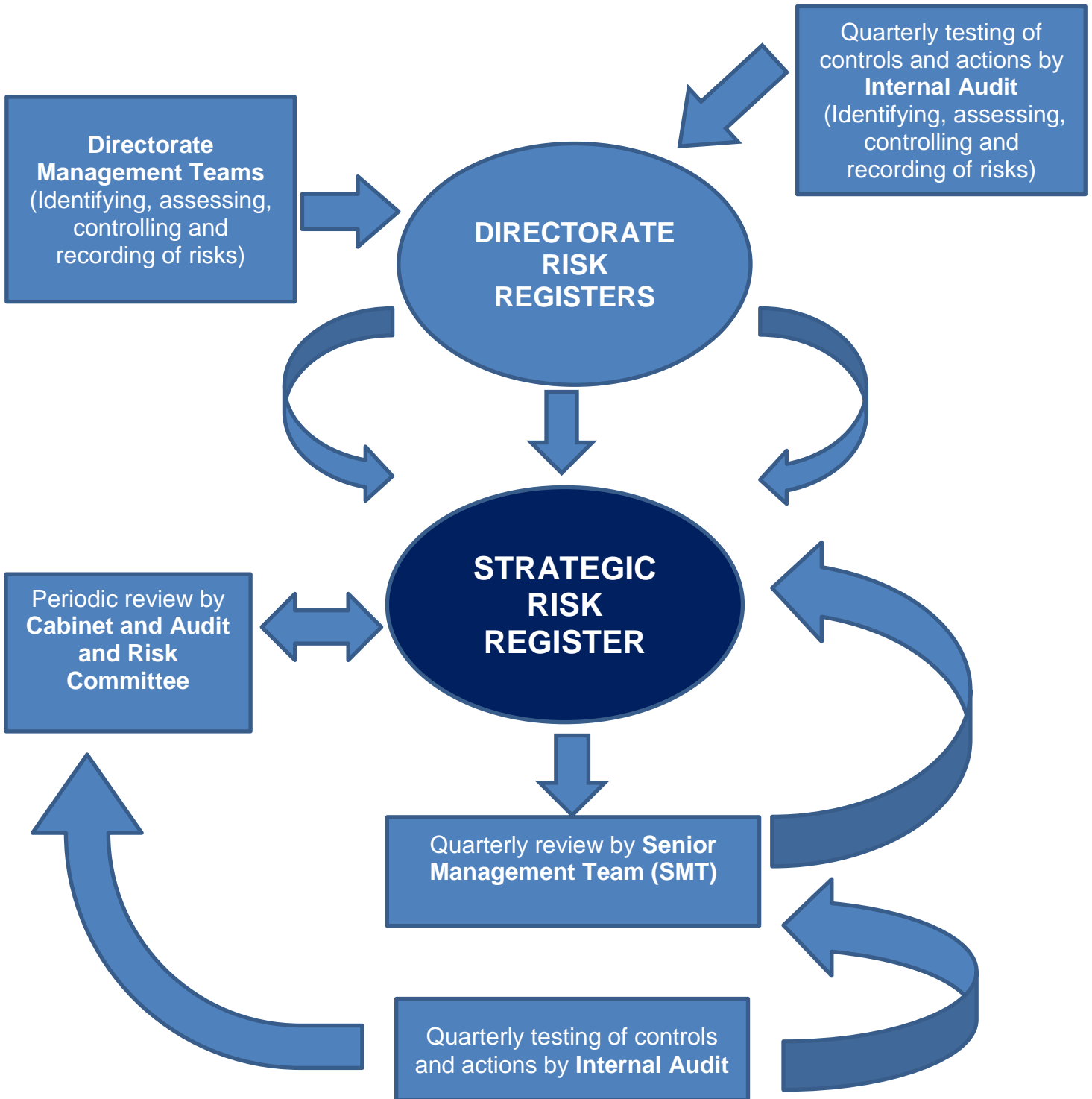
APPENDIX D - RISK ESCALATION CRITERIA

The results of the assessment determine the escalation criteria and frequency of review as follows. For the purposes of risk appetite, risks assessed as “Red” do not meet the Council’s risk appetite and will need to be managed accordingly.

IMPACT	Most Severe 4	4	8	12	16	20	24
	Major 3	3	6	9	12	15	18
	Moderate 2	2	4	6	8	10	12
	Minor 1	1	2	3	4	5	6
		Extremely Unlikely 1	Unlikely 2	Low 3	More Likely than Not 4	Very Likely 5	Extremely Likely 6
		LIKELIHOOD					

Current Risk Level & Score	Frequency and level of Risk Review
High 15-24	These are significant risks which may have a serious impact on the Council and its objectives if not managed. They should therefore be visible to Directors and reviewed on at least a monthly basis and considered for escalation to the strategic risk register.
Medium 8-12	These are risks which have the capability to cause some disruption to the Council if not managed appropriately. They should be visible to Directors and reviewed on at least a quarterly basis .
Low 1-6	These risks may not require further action at this point in time but need to be monitored to ensure that there are no changes in circumstances which would lead to the risk score changing. They should be visible to Directors and reviewed on at least a 6-monthly basis .

APPENDIX E RISK MANAGEMENT PROCESS OVERVIEW



**A large print version of this document is available
on request**



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APPENDIX B – STRATEGIC RISK REGISTER

Key to symbols/terms used within the report

Risk Score:

Inherent Risk – the likelihood/impact of the risk without taking any controls and actions in place into consideration.

Residual Risk – the likelihood/impact of the risk taking the controls and actions RCC have put in place into consideration.

Actions:

All actions have a 3 letter code defined as follows:

[IMP] – An action that will improve the likelihood/impact of the risk once the action is completed.

[PRE] – A preventative action, which will not improve the risk but will prevent it from getting worse.

Risk ID: 3	Risk Title: Failure to deliver key services should a significant business interruption occur	
Owner: Director – Places	Actions <ul style="list-style-type: none"> • [PRE] REVISED – Implementation of Cyber Security Resilience Action Plan <ul style="list-style-type: none"> ○ Added – March 2022 ○ Further to securing additional finding (see below), action plan to be implemented by December 2022. Interim updates to be given in next iteration of Risk Register. • [IMP] NEW – Testing of BCP <ul style="list-style-type: none"> ○ Added – March 2022 ○ To be arranged with Resilience Partnership pre September 2022 	Controls <ul style="list-style-type: none"> • A Major Incident Plan has been prepared • Specific recovery plans are in place and have been updated • Business Continuity documents have been uploaded to a secure website (Resilience Direct) • Contract procedure rules include the requirement for managers to consider the impact of contractor failure and mitigate the risks appropriately • Business Continuity arrangements audited by Internal Audit and more recently by Resilience Partnership and new plan addresses key learnings • Preparations completed for dealing with concurrent events
Inherent Score: 16		
Residual Score: 12 ↔		
Date Risk Added: September 2016		
Last Review Date: March 2022		
PREVIOUS ACTIONS (REMOVED OR CLOSED)		
CLOSED - BCP plans have been updated and signed off by Directors and SMT. There is a corporate plan and plans at each service level detailing with loss of suppliers, staff and IT.		
Comments:		
<p>Now BCP plans are complete there is work to do to test the plans we have hence that new action is recorded. Supplier failure was an issue identified in Directorate registers. Supplier failure has been covered as part of BCP plans.</p> <p>As reported in the Quarter 3 Finance report, the Council has applied for funding from DLUHC for Cyber resilience and been notified that it has been successful with an award of £150k. A cyber threat is now one of the biggest business continuity risks so</p>		

Risk ID: 3	Risk Title: Failure to deliver key services should a significant business interruption occur
the Council structured its bid in a way that would allow it to invest and upgrade the Council's network infrastructure, back up arrangements and security systems towards best in class.	

Risk ID: 4	Risk Title: Failure to Safeguard (Children) and a child is significantly abused, hurt, or dies.	
Owner: Director - People	Actions <ul style="list-style-type: none"> • [IMP] Embed Signs of Safety model of practice through the delivery of 2 year implementation plan: <ul style="list-style-type: none"> ○ Added Jan 21 ○ Due to be completed 2022 ○ UPDATE: All on track, May go live date 	Controls <ul style="list-style-type: none"> • Processes and procedures in place to protect the most vulnerable • Ensuring we have sufficient competent, trained staff to safeguard children and there is no unallocated work • Clear practice standards in place so staff know what is expected of them and effective training to allow them to deliver high quality practice. • Children's services improvement plan in place and subject to monthly scrutiny by the Improvement Board. • High quality management oversight of all Children's Social Care practice. • Comprehensive Performance Management and Quality Assurance framework in place.
Inherent Score: 20		
Residual Score: 12 ↔		
Date Risk Added: September 2016		
Last Review Date: March 2022		
PREVIOUS ACTIONS (REMOVED OR CLOSED)		
CLOSED - Complete permanent recruitment to all key management and social work roles		
<p>Comments: The OFSTED inspection in March 2020 graded Rutland County Council Children's Services as 'Requires Improvement to be Good'. An improvement plan has been in place since then, strengthened by improved governance arrangements.</p> <p>In January Ofsted undertook a focused visit to review children's services. In a formal letter detailing the inspectors' findings, Ofsted confirmed that Rutland County Council is maintaining a clear focus on protecting children and improving the quality of social work practice in the county. Inspectors also noted that senior leaders within Rutland's Children's Services know their</p>		

Risk ID: 4	Risk Title: Failure to Safeguard (Children) and a child is significantly abused, hurt, or dies.
services well and have succeeded in improving care for children and young people despite the challenges of the COVID-19 pandemic.	

Risk ID: 5	Risk Title: Failure to Safeguard (Adults) and an adult is significantly abused, badly hurt or dies.	
Owner: Director - People	Actions <ul style="list-style-type: none"> • [PRE] NEW Preparing for Care Quality Commission Inspection of Local Authority Social Care. Completion of Self-Assessment tool when available. <ul style="list-style-type: none"> ○ Added: 21 March 2022 ○ Target date: 31 March 2022 • [PRE] NEW Implement changes to Liberty Protection Safeguards (issued in March) for implementation in 2023 (April or October) <ul style="list-style-type: none"> ○ Added: 21 March 2022 ○ Target date: End September 2022 • [PRE] NEW Refresh LLR Safeguarding Adults Board Business Plan <ul style="list-style-type: none"> ○ Added: 21 March 2022 ○ Target date: End April 	Controls <ul style="list-style-type: none"> • Processes and procedures in place to protect the most vulnerable. • Scrutiny and overview from the Safeguarding Boards. • Monthly performance and financial monitoring by senior offices and updates to Cabinet. • High quality, timely information contained within case files. • Clear practice standards in place so staff know what is expected of them. • Management oversight recorded on file alongside regular supervision. • Effective training of staff. • Comprehensive Performance Management and Quality Assurance framework in place. • Annual audits now in place on an ongoing basis to ensure quality and effectiveness of service is maintained. • Workforce changes to provide a complex lives worker, across teams, providing further resilience and professionalism to safeguarding • Extra social worker added to P&S to support increased safeguarding referrals/duty work, on a fixed one-year contract
Inherent Score: 15		
Residual Score: 9 ▲		
Date Risk Added: September 2016		
Last Review Date: March 2022		
PREVIOUS ACTIONS (REMOVED OR CLOSED) None		

Risk ID: 5	Risk Title: Failure to Safeguard (Adults) and an adult is significantly abused, badly hurt or dies.
<p>Comments: *The Care Act 2014 (Section 42) requires that each local authority must make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect and if so, by whom.</p> <p>There will be Care Quality Commission (CQC) oversight of Local Authorities' commissioning of adult social care, which will be introduced through the Health and Care Bill. We are expecting this to apply from 1 April 2023.</p> <p>The Liberty Protection Safeguards will provide protection for people aged 16 and above who are or who need to be deprived of their liberty in order to enable their care or treatment and lack the mental capacity to consent to their arrangements. The Liberty Protection Safeguards were introduced in the Mental Capacity (Amendment) Act 2019 and will replace the Deprivation of Liberty Safeguards (DoLS) system.</p>	

Risk ID: 76	Risk Title: Failure to address increasing SEND costs and provide an inclusive learning offer	
Owner: Director - People	Actions <ul style="list-style-type: none"> • [IMP] Continue to embed primary inclusion partnership and develop secondary school model of inclusion partnership <ul style="list-style-type: none"> ○ Added Jan 21 ○ Due for completion June 2022 ○ Report to Cabinet in July on extension of inclusion partnership provision • [IMP] Address emerging secondary special provision needs <ul style="list-style-type: none"> ○ Added June 2021 ○ Due for completion September 2022 ○ UPDATE: Project started and feasibility study has been completed. Service model being implemented. 	Controls <ul style="list-style-type: none"> • SEND recovery plan in place and actioned. • Monitoring by officers – regular scrutiny of performance data, finance and outcomes. • SEND Programme Board scrutinises progress of SEND recovery plan. • Continue to expand our In-County special education options (UCC provision is now open) for children with SEND so more children are educated closer to home. • Support and enable our Early Years Settings to meet the needs of all children and families so all Rutland families have access to early education which meets identified needs.
Inherent Score: 15		
Residual Score: 12 ↔		
Date Risk Added: October 2019		
Last Review Date: March 2022		
PREVIOUS ACTIONS (REMOVED OR CLOSED)		
None		
Comments: The increased demand and rising costs for supporting children with SEND is a national issue and the Department for Education is completing a review into current arrangements and funding streams. We have seen outcomes from meetings had between other LA's and DfE and the areas targeted for improvement are already central to our plan. We are refreshing our own Recovery Plan and will be reporting shortly. We have not received any feedback on process but are interested in what can be achieved without extra funding. Without policy changes nationally, the SEND recovery plan in Rutland is unlikely to fully address the current and long term budget pressures. This will be discussed at the SEND Schools Summit in November.		

Risk ID: 76	Risk Title: Failure to address increasing SEND costs and provide an inclusive learning offer
<p>The Council is joining the Delivering Better Value in SEND programme. The programme provides dedicated support and funding to help a further local authorities with substantial, but less severe, deficit issues to reform their high needs systems; we fit this profile. The programme will see the Department provide project management and change management capacity, alongside SEND financial and practice advisers, to support Rutland in engaging with its key stakeholders and conduct a comprehensive diagnostic process to identify the underlying cost drivers of our high needs system and potential reforms to manage/mitigate these cost drivers more effectively. We will be working with the programme to develop our own action plan.</p>	

Risk ID: 7	Risk Title: Failure to put in place plans to support growth with appropriate infrastructure	
Owner: Director - Places	Actions <ul style="list-style-type: none"> • [IMP] New IDP to be developed alongside new Local Plan <ul style="list-style-type: none"> ○ Added October 2021 ○ Due for completion December 2024 ○ UPDATE – working group is overseeing all Local Plan work • [IMP] Governance framework for CIL spending to be developed. <ul style="list-style-type: none"> ○ Added June 21 ○ Due for completion December 2021 ○ UPDATE – Refreshed anticipated CIL trajectory and draft governance framework reviewed by Scrutiny • [IMP] Infrastructure priorities to be agreed for spending <ul style="list-style-type: none"> ○ Added October 2021 ○ Due for completion March 2022 ○ Revised – March 2023 – intention is to go create a 10 year capital plan which goes beyond infrastructure for development purposes but also whatever else Members may want to achieve. A process for this needs to be developed and additional resource may be needed. 	Controls <ul style="list-style-type: none"> • Existing plan in place – Infrastructure Delivery Plan • Infrastructure requirements identified linked to CIL. • Key infrastructure requirements are monitored on a regular basis e.g. School Places. • Specific projects in place to meet specific need including; <ul style="list-style-type: none"> ○ Digital Rutland – Broadband. ○ OEP – Employment/business growth. ○ Schools – expansion of Catmose planned • Balances of s106 and CIL being held until used • Infrastructure funding statement published annually in December
Inherent Score: 12		
Residual Score: 8 ↔		
Date Risk Added: November 2016		
Last Review Date: March 2022		

PREVIOUS ACTIONS (REMOVED OR CLOSED)

CLOSED – Previous IDP actions closed following Council decision not to proceed with Local Plan

Comments: Council, through Director of People, is in discussion with Health (Rutland Hub project) to assess future health needs. Health holding monthly Rutland strategic growth meeting specifically to identify health requirements for the future. Discussions ongoing with Melton in respect of bid for Levelling Up Fund.

Risk ID: 78	Risk Title: Failure to achieve expectations of customers across key service areas.	
Owner: SMT	Actions <ul style="list-style-type: none"> • [IMP] Customer Services strategy to be refreshed as part of Corporate Plan work (including review of current arrangements) <ul style="list-style-type: none"> ○ Added October 2021 ○ Due for completion March 2022 ○ IN PROGRESS – new arrangement in place following re-opening of Customer Services following lifting of restrictions. Further actions to be driven by Corporate Plan. 	Controls <ul style="list-style-type: none"> • Customer KPIs in place across key service areas. • External feedback in areas like Better Care Fund/Social Care. • Customer Service Standards in place. • Complaints, compliments and comments recorded and analysed. • Access to Council services available through various channels. • Website team in place. • NEW: MyAccount is now launched
Inherent Score: 6		
Residual Score: 4 ↔		
Date Risk Added: October 2019		
Last Review Date: April 2022		
PREVIOUS ACTIONS (REMOVED OR CLOSED) CLOSED - Monthly Performance reporting on CST, Fix My Street and MyAccount to be designed. Various reports are available that show performance against requests. A new basket of Customer Service KPIs to be included in Corporate Plan performance report.		
Comments: New arrangements for CST were implemented in February. The vast majority of Customers are contacting us via email, telephone or MyAccount/FMS. The use of MyAccount continues to be well received with over 3,500 registered users.		

Risk ID: 77	Risk Title: Changes to LLR Health system may reduce our ability to shape services to meet needs	
Owner: Director - People	Actions <ul style="list-style-type: none"> • [IMP] Develop a Rutland Health Plan in partnership with CCG, PCN and other Stakeholders <ul style="list-style-type: none"> ○ Added January 21 ○ Due for completion: End June 2021 ○ Revised date: March 2022 ○ This is now in draft and has gone to both Scrutiny and Health and Wellbeing Board. To be finalised in January 2022. ○ Update: This will be signed off at Health and WellBeing Board in April 	Controls <ul style="list-style-type: none"> • Excellent relations with CCG/Community Health and GP's. • Delivering strong integrated health and social care offers with partners via BCF. • Significant integration already achieved proven by data. • Rutland integrated service is a nationally recognised success. • Services continue to develop such as with the Primary Care Network consolidating the Rutland approach.
Inherent Score: 8		
Residual Score: 6 ↔		
Date Risk Added: October 2019		
Last Review Date: March 2022		
PREVIOUS ACTIONS (REMOVED OR CLOSED)		
None		
Comments:		
None		

Risk ID: 10	Risk Title: Failure to protect the health and safety of employees and members of the public	
Owner: Director - Places	Actions <ul style="list-style-type: none"> • [IMP] H&S Corporate framework to be implemented <ul style="list-style-type: none"> ○ Added November 2020 ○ Due for completion 31st March 2022 ○ Update: Corporate H&S Group to assess implementation status 	Controls <ul style="list-style-type: none"> • Joint safety committee in place that reviews internal risk reports such as RIDDOR. • Contract procedure rules require contract managers to take due regard of health and safety when procuring contracts. • Managers complete risk assessments for service activities and review annually. • Mandatory health and safety training for all staff • Rolling programme of audits ongoing. • Internal H&S group set up and working • Annual report to Council on Health and Safety
Inherent Score: 20		
Residual Score: 6 ↔		
Date Risk Added: September 2016		
Last Review Date: March 2022		
PREVIOUS ACTIONS (REMOVED OR CLOSED)		
None		
Comments: H&S framework includes various aspects such as training, performance reporting, risk assessments, display screen equipment (DSE) assessments. Various elements have been completed such as DSE assessments, reporting to Joint Safety Committee. Internal Audit undertook a review of H&S framework (Satisfactory opinion).		

Risk ID: 73	Risk Title: [REVISED] There is a risk we cannot deliver key/new priorities due to a lack of resources caused by retention/recruitment issues, budget or too big a corporate workload (including additional requirements from Government).	
Owner: SMT	Actions <ul style="list-style-type: none"> • [PRE] NEW Project teams to consider Resource needs for upcoming projects and pressures (NB: new burdens funding could be received) for financial outturn <ul style="list-style-type: none"> ○ Added March 2022 ○ Target: for Outturn • [PRE] NEW Corporate plan and service commitments to be tested for deliverability and workload issues <ul style="list-style-type: none"> ○ Added March 2022 ○ Dates linked to Corporate Plan approval process • [IMP] NEW Consideration to be given for Corporate mechanism/dashboard for understanding capacity. <ul style="list-style-type: none"> ○ Added March 2022 	Controls <ul style="list-style-type: none"> • Specific recruitment plans in place. • Provision for supplements in place. • Use of external agencies as approved by SMT • Applicant Tracking System in use, allowing Human Resources to manage the recruitment process better. • Awareness of where there are issues • Review of Retention and Recruitment completed by HR • Business Continuity arrangements • NEW Request for Resources from Cabinet/Council
Inherent Score: 18 ▲		
Residual Score: 15 ▲		
Date Risk Added: September 2019		
Last Review Date: March 2022		
PREVIOUS ACTIONS (CLOSED OR REMOVED) CLOSED - Line by Line budget reviews is exploring opportunities for alternative service delivery models. Steer on service areas will inform future delivery and this issue will be a driver for Transformation.		

CLOSED - Status of staffing issues is being highlighted via Finance report and Director briefings (and necessary action e.g. prioritisation if required)

Comments:

The original recommendation focused on recruitment and resilience. Following Zurich Municipal workshops with Directorates the risk has been extended beyond that for two reasons: 1) recruitment remains challenging and bringing in additional support for short term projects is also very difficult. 2) Additional workload arising from Government agenda (£150 energy) rebate, social care charging reform, Liberty Protection Safeguards, SEND Delivering Better Value programmes, Schools Reforms etc) coupled with local projects (Local Plan, Leisure, Waste Management) will put too much pressure on existing resources.

NB: During the pandemic, the Council has tried to absorb additional work but this is becoming increasingly difficulty.

Introduction of CQC of local authority social care, charging reforms and liberty protection safeguards will require social workers at a time when there is a national shortage.

Risk ID: 74	Risk Title: There is a risk that the Council is not financially stable in the medium term (as evidenced by the gap in MTFP)	
Owner: Director - Resources	Actions <ul style="list-style-type: none"> • [IMP] Agree financial objectives and priorities and implications as part of budget setting. <ul style="list-style-type: none"> ○ Added October 2021 ○ Due for completion – February 2022 ○ UPDATE - financial objectives re dates for reducing deficits to be assessed once further savings discussions held in April (and corporate workload) • [PRE] NEW Agree plan for Budget Savings (including a decision to proceed re Transformation) including how it can be resourced. <ul style="list-style-type: none"> ○ Added March 2022 ○ Due for completion – End June 2022 	Controls <ul style="list-style-type: none"> • Medium Term Financial Plan (MTFP) in place • Members adhering to minimum General Fund balances in budget setting • Members understand the need to raise Council Tax • All increases in budget scrutinised to ensure they are legitimate. • Lobbying for additional funding ongoing including meeting with Minister and MP • Various controls strengthened in light of action opposite (e.g. review of recruitment, agency staff etc) • Strong management of the ongoing Revenue budget • NEW Ongoing project work to assess financial impact of reforms
Inherent Score: 24		
Residual Score: 20 ▲		
Date Risk Added: September 2019		
Last Review Date: April 2022		
PREVIOUS ACTIONS (CLOSED OR REMOVED)		
CLOSED – Budget deficit for 22/23 was well below £1m target with new savings of over £800k delivered as part of 22/23 budget.		
Comments:		
There are still some project areas previously identified that have not progressed primarily due to capacity. Work to be undertaken with Members will allow further ideas to be added to the list.		

Risk ID: 74	Risk Title: There is a risk that the Council is not financially stable in the medium term (as evidenced by the gap in MTFP)
<p>A delivery plan will then be identified taking into account workload commitments as capacity is a big corporate risk. Ideally, all resources would be focused on budget savings but this is not possible given business as usual, local projects and workload from Government policy. We cannot expect to deliver a big savings project with the existing resources we have, hence the need to consider carefully resources rather than just assume we can deliver whatever is agreed.</p> <p>There are also concerns about whether delivering a series of long term projects will realistically deliver the type of transformational change programme that the Council needs and whether the Council has capacity to do this. The Council has given authority for a Transformation project to be commissioned and a decision will be made in April.</p> <p>Inflation impact issues to be considered in financial outturn report. Work ongoing with social care providers driven by energy cost crisis.</p>	

Risk ID: 79	Risk Title: Risk that the Council does not have procurement and commissioning capacity and capability to secure the best possible financial and other outcomes	
Owner: Director - People	Actions <ul style="list-style-type: none"> • [IMP] NEW: Review of internal arrangements in medium term <ul style="list-style-type: none"> ○ Added: January 2021 ○ Completion date: No date set (focus for now on individual procurement exercises) ○ Update: This is now linked to the Social Care end to end reviews so expecting some options for end of March. ○ UPDATE – On Hold linked to Transformation and Adult Social Care charging reforms (see update below) 	Controls <ul style="list-style-type: none"> • Council has access and support from Welland Procurement • Commissioning team in place covering Peoples • Other external support is being brought in to supplement in house resource on key procurements e.g. waste management • External reviews of commissioning have indicated the Council does obtain good results e.g. adult placements • Project Teams are in place with all key procurement activity e.g. Leisure, Waste Management, Highways • Lessons learnt include investing in understanding needs and therefore commissioning intentions rather than the process of contracting/procurement
Inherent Score: 12		
Residual Score: 8 ↔		
Date Risk Added: January 2021		
Last Review Date: April 2022		
PREVIOUS ACTIONS (CLOSED OR REMOVED)		
None		
Comments:		
The implementation of new Adult Social Care charging reforms will have a significant impact on the work of the Commissioning Team. The specialist resourcing of individual projects has also brought into question what the Council may need from a future team and there may be opportunities to work differently which will be picked up in Transformation work.		

Inherent Risk plotted on Risk Matrix

IMPACT	Most Severe 4			3	4, 10	74	
	Major 3			7, 79	5, 76	73	
	Moderate 2		78	77			
	Minor 1						
		Extremely Unlikely 1	Unlikely 2	Low 3	More Likely than Not 4	Very Likely 5	Extremely Likely 6

Residual Risk plotted on Risk Matrix

IMPACT	Most Severe 4		4		74		
	Major 3		5	76, 3,	73		
	Moderate 2	78	10, 77	79, 7			
	Minor 1						
		Extremely Unlikely 1	Unlikely 2	Low 3	More Likely than Not 4	Very Likely 5	Extremely Likely 6

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CABINET

5 April 2022

INFORMATION GOVERNANCE POLICY REVIEWS

Report of the Portfolio Holder for Finance, Governance and Performance, Change and Transformation

Strategic Aim:	All	
Key Decision: Yes	Forward Plan Reference: FP/171221	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr K Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation	
Contact Officer(s):	Marie Rosenthal, Interim Deputy Director for Corporate Governance (Monitoring Officer)	01572 827347 mrosenthal@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Cabinet:
<ol style="list-style-type: none"> Approves the amendments proposed to the Council’s Information Governance Policies set out at in Appendix 1 – 4.

1 PURPOSE OF THE REPORT

1.1 To ask Cabinet to approve the Council’s Information Governance Policies. These comprise the Data Protection Policy, Document Retention and Disposal Policy, the Data Incident Response Policy, and the Regulation of Investigatory Powers Act (RIPA) Policy.

2 BACKGROUND AND MAIN CONSIDERATIONS

2.1 The UK General Data Protection Regulation (UK GDPR) came into force on 1 January 2021. It creates a new data protection standard that applies to the UK following the break from the European Union (EU). It sets out the key principles, rights, and obligations for most processing of personal data in the UK. It is based on the EU GDPR (General Data Protection Regulation (EU) 2016/679).

2.2 In very broad terms, the UK GDPR sets out the respective responsibilities of data

controllers, such as the Council, data processors who are responsible for processing personal data on behalf of the Council and data subjects who are individuals whose personal data is being processed.

- 2.3 The UK GDPR defines 'personal data' as any information relating to an identified or identifiable person natural person; an identifiable natural person is one who can be identified directly or indirectly. The most common examples of personal data are individuals' names, addresses and dates of birth etc.

DATA PROTECTION POLICY

- 2.4 Minor changes have been made to the Council's existing Data Protection Policy to ensure that it is compliant with the updated UK GDPR and the Data Protection Act 2018 legislation.

- 2.5 Throughout, the previously recognised term GDPR has been replaced by UK GDPR to align the policy with standard practice.

- 2.6 Further, the Data Protection principles which can be found on the Information Commissioners Office (ICO) website have been amended so that they are legally compliant and in line with the independent regulator. The ICO have amended the principles and now set out 7 principles that should guide the approach to processing data. These are: -

- Lawfulness, fairness, and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

- 2.7 Compliance with the spirit of these key principles is a fundamental building block for good data protection practice. It is also key to compliance with the detailed provisions of the UK GDPR.

- 2.8 It has been agreed that the Monitoring Officer will be the designated Data Protection Officer.

DOCUMENT RETENTION AND RECORD DISPOSAL POLICY

- 2.9 In the main, the amendments to this policy are not substantial. References to the previously recognised GDPR have been replaced by UK GDPR.

DATA INCIDENT RESPONSE POLICY

- 2.10 Similarly, the Data Incident Response Policy has been amended to change references of GDPR to UK GDPR.

- 2.11 Appendix 1 of the policy 'Data Breach Reporting Form' has been replaced by the latest form that is being utilised internally.

REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY

- 2.12 The Regulation of Investigatory Powers Act 2000 policy has been updated to recognise the change to the Investigatory Powers Commissioner's Office (IPCO). The Officer to the Surveillance Commissioner (OSC) role has been replaced by the Chief Surveillance Commissioner to the Investigatory Powers Commissioner's Office. However, the duties of the Chief Surveillance Commissioner have not changed.
- 2.13 The Senior Responsible Officer for RIPA in the council is now the **Monitoring Officer** replacing the Deputy Director of Corporate Governance.
- 2.14 Section 5.2 in relation to Online Covert Activity has been revised and now includes the Home Office's Code of Practice on Covert Surveillance and Property Interference guidance in relation to online covert activity.
- 2.15 Section 6.3 and 6.4 includes further revised guidance from the government on Juvenile Sources and Vulnerable Individuals acting as Covert Human Intelligence Sources (CHIS) and that the authorisations of a Juvenile / Vulnerable Individual CHIS must be granted by the Chief Executive only in **exceptional circumstances**.
- 2.16 Section 7.2 in respect of confidential information now includes confidential constituent information.
- 2.17 Section 7.6 has been altered to set out that both the Applicant and the Authorising Officer who gave the authorisation for directed surveillance should attend the Magistrates Court for the Authorisation to be approved by a Justice of the Peace.
- 2.18 In the event that the Applicant cannot be present, guidance has been added to state that the Authorising Officer would need approval for rights of audience subject to Section 223 of the Local Government Act 1972.
- 2.19 Section 13.0 has been modified to include reference to the IPCO Data Assurance Programme which was introduced in 2020 as part of its inspection regime.

3 CONSULTATION

- 3.1 Internal services have been consulted throughout the preparatory work to ensure that the policies are compliant with recent regulations and legislation.
- 3.2 A review of the RIPA policy has taken place by benchmarking with best practice to ensure that the policy the council holds is legally compliant with recent developments.

4 ALTERNATIVE OPTIONS

- 4.1 There are no possible alternative options as the duty of Rutland County Council District Council as a data controller is to be compliant with the legislation in place insofar as the UK GDPR, The Data Protection Act 2018, and the Regulatory Investigatory Powers Act 2000.

5 FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications arising from the report. However, as set

out in the report there are two changes being introduced as part of GDPR, which will potentially create significant financial implications in the event of a data breach. Failure to report a breach to the ICO will carry a fine of up to £8.7m and data breach fines will be up to £17.5m. These are significantly higher than fines under the current regime.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

6.1 Legal and Governance Considerations are included in the main body of the report.

7 DATA PROTECTION IMPLICATIONS

7.1 A Data Protection Impact Assessments (DPIA) has not been completed as no personal data has been processed in the review of the policies in this report.

8 EQUALITY IMPACT ASSESSMENT

8.1 An Equality Impact Assessment has not been carried out because the report is only setting out minor changes to existing polices and is not undertaking a major service review.

9 COMMUNITY SAFETY IMPLICATIONS

9.1 None identified.

10 HEALTH AND WELLBEING IMPLICATIONS

10.1 None identified.

11 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

11.1 Following the UK's departure from the European Union, the laws on data protection have been overhauled by domestic legislation and the Council needs to ensure that it is fully compliant with them and to evidence its compliance by having a set of robust policies and procedures in place.

12 BACKGROUND PAPERS

12.1 There are no additional background papers to the report.

13 APPENDICES

13.1 Appendix One – Data Protection Policy (revised)

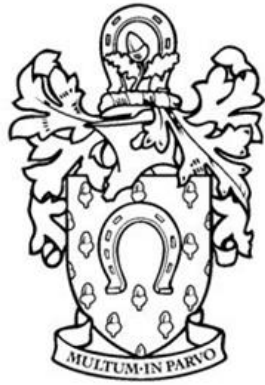
13.2 Appendix Two – Document Retention and Records Management Disposal Policy (revised)

13.3 Appendix Three – RIPA Policy (revised)

13.4 Appendix Four – Data Incidence Response Policy (revised)

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

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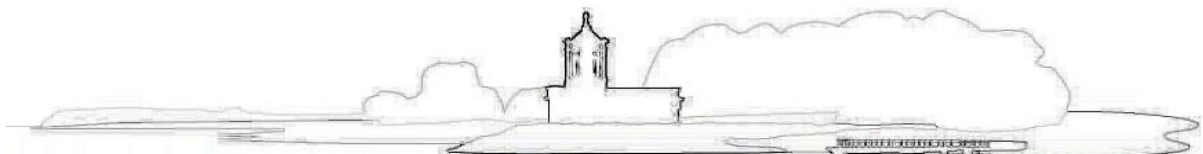


Rutland County Council

Data Protection Policy

Version & Policy Number	Version one two
Guardian	Data Protection Officer
Date Produced	May 2018
Next Review Date	June 2021

Approved by Cabinet	19 June 2018 PENDING APPROVAL
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SUMMARY OF DOCUMENT

Rutland County Council is committed to a policy of protecting the rights and privacy of individuals, including service users, staff, and others, in accordance with the **United Kingdom** General Data Protection Regulation (**UK GDPR**) ~~May 2018~~ **January 2021**.

~~The new regulatory environment demands higher transparency and accountability in how the Council manage and use personal data. It also accords new and stronger rights for individuals to understand and control that use.~~ **The Regulations are designed to ensure transparency and accountability in how the Council manage and use personal data.**

The **UK GDPR** contains provisions that we will need to be aware of as data controllers, including provisions intended to enhance the protection of service users' personal data. For example, the **UK GDPR** requires that:

We must ensure that the Council has privacy notices that are written in a clear, plain way that staff and service users will understand.

Rutland County Council needs to process certain information about its staff, service users and other individuals with whom it has a relationship for various purposes such as, but not limited to:

- The recruitment and payment of staff.
- The administration of services.
- Collecting payments and fees.
- Complying with legal obligations.

To comply with various legal obligations, including the obligations imposed on it by the ~~General Data Protection Regulation (GDPR)~~ **UK GDPR** Rutland County Council must ensure that all this information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

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1. COMPLIANCE

- 1.1 This ~~policy~~ **Policy** applies to all staff and service users of Rutland County Council. Any breach of this ~~policy~~ **Policy** or of the Regulation itself ~~will~~ **may** be considered an offence and the Council's disciplinary procedures will be invoked.
- 1.2 As a matter of best practice, other agencies and individuals working with Rutland County Council and who have access to personal information, will be expected to read and comply with this ~~policy~~ **P o l i c y**. It is expected that departments who are responsible for dealing with external bodies will take the responsibility for ensuring that such bodies sign a contract which among other things will include an agreement to abide by this ~~policy~~ **Policy or have in place a policy that is at least equivalent.**
- 1.3 This ~~policy~~ **Policy** will be updated as necessary to reflect best practice in data management, security, and control and to ensure compliance with any changes or amendments to the **UK** GDPR and other relevant legislation.

2. **UK GENERAL DATA PROTECTION REGULATION (UK GDPR)**

- 2.1 ~~This piece of legislation comes into force on the 25 May 2018.~~ **UK** GDPR regulates the processing of personal data and protects the rights and privacy of all living individuals (including children), for example by giving all individuals who are the subject of personal data a general right of access to the personal data which relates to them. Individuals can exercise the right to gain access to their information by means of a 'subject access request'. Personal data is information relating to an individual and may be in hard or soft copy (paper/manual files; electronic records; photographs; CCTV images) and may include facts or opinions about a person. **The DPPEC (Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit)) Regulations 2019 amended the DPA 2018 to form a UK-specific data protection regime as part of the Data Protection Act 2018.**

3. **INFORMATION GOVERNANCE AND RESPONSIBILITIES UNDER UK GDPR**

- 3.1 Rutland County Council will be the 'data controller' under the terms of the legislation – this means it is ultimately responsible for controlling the use and processing of the personal data. The ~~council~~ **Council** appoints a Data Protection Officer (DPO), who is available to address any concerns regarding the data held by the ~~council~~ **Council** and how it is processed, held, and used.
- 3.2 The Senior Management Team is responsible for all day-to-day data protection matters, and will be responsible for ensuring that all members of staff and relevant individuals abide by this ~~policy~~ **Policy**, and for developing and encouraging

good information handling within the ~~council~~ **Council**.

3.3 The DPO is also responsible for ensuring that the ~~council's~~ **Council's** registration is kept accurate. Details of the ~~council's~~ **Council's** registrations can be found on the Office of the Information Commissioner's website. Compliance with the legislation is the personal responsibility of all staff who process personal information.

3.4 Individuals who provide personal data to the Council are responsible for ensuring that the information is accurate and up-to-date.

4. DATA PROTECTION PRINCIPLES

4.1 **Article 5 of the UK GDPR** ~~The legislation~~ places a responsibility on every data controller to process any personal data in accordance with the seven principles. More detailed guidance on how to comply with these principles can be found on the Information Commissioners website (www.ico.gov.uk).

4.2 In order to comply with its obligations, Rutland County Council undertakes to adhere to the ~~eight~~ **seven** principles:

- 1) **Process personal data fairly and lawfully** - Rutland County Council will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller, the purposes of the processing, any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.
- 2) **Process the data for the specific and lawful purpose for which it collected that data and not further process the data in a manner incompatible with this purpose** - Rutland County Council will ensure that the reason for which it collected the data originally is the only reason for which it processes those data, unless the individual is informed of any additional processing before it takes place.
- 3) **Ensure that the data is not excessive in relation to the purpose for which it is processed** - Rutland County Council will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this mind. If any irrelevant data are given by individuals, they will be destroyed immediately.
- 4) **Keep personal data accurate and, where necessary, up to date** - Rutland County Council will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify the Council if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of the Council to ensure that any notification regarding the change is noted and acted on.

- 5) **Only keep personal data for as long as is necessary** - Rutland County Council undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. This means Rutland County Council will undertake a regular review of the information held and implement a weeding process.

Rutland County Council will dispose of any personal data in a way that protects the rights and privacy of the individual concerned (e.g. secure electronic deletion, shredding and disposal of hard copy files as confidential waste).

- 6) **Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data** - All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

Rutland County Council will ensure that all personal data is accessible only to those who have a valid reason for using it.

Rutland County Council will have in place appropriate security measures e.g. ensuring that hard copy personal data is kept in lockable filing cabinets/cupboards with controlled access (with the keys then held securely in a key cabinet with controlled access):

- keeping all personal data in a lockable cabinet with key-controlled access.
- password protecting personal data held electronically.
- archiving personal data which are then kept securely (lockable cabinet).
- placing any PCs or terminals, CCTV camera screens etc. that show personal data so that they are not visible except to authorised staff.
- ensuring that PC screens are not left unattended without a password protected screen-saver being used.

In addition, Rutland County Council will put in place appropriate measures for the deletion of personal data - manual records will be shredded or disposed of as 'confidential waste' and appropriate contract terms will be put in place with any third parties undertaking this work. Hard drives of redundant PCs will be wiped clean before disposal or if that is not possible, destroyed physically.

This ~~policy~~ **Policy** also applies to all staff who process personal data 'off-site', e.g., when working at home, and in circumstances additional care must be taken regarding the security of the data.

- 7) **To take responsibility and accountability for what you do with person**

data and how you comply with the other principles – Rutland County Council has processes in place and takes appropriate technical and organisational measures to record and be able to demonstrate our compliance with **UK** GDPR. Such as:

- adopting and implementing data protection policies;
- putting written contracts in place with organisations that process personal data on our behalf;
- maintaining documentation of our processing activities;
- implementing appropriate security measures;
- recording and, where necessary, reporting personal data breaches;
- carrying out data protection impact assessments for uses of personal data that are likely to result in high risk to individuals' interests;
- appointing a Data Protection Officer

5. CONSENT AS A BASIS FOR PROCESSING

5.1 Although it is not always necessary to gain consent from individuals before processing their data, it is often the best way to ensure that data is collected and processed in an open and transparent manner. Consent is especially important when Rutland County Council is processing any sensitive data, as defined by the legislation.

5.2 Rutland County Council understands consent to mean that the individual has been fully informed of the intended processing and has signified their agreement (e.g. via a form) whilst being of a sound mind and without having any undue influence exerted upon them. Consent obtained on the basis of misleading information will not be a valid basis for processing. Consent cannot be inferred from the non-response to a communication.

Personal Details

- For the purposes of the **UK GDPR** ~~General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679)~~ you consent to the Council holding and processing personal data including sensitive personal data of which you are the subject, details of which are specified in the Council's data protection policy.
- This will include marketing images and the Council CCTV.

5.3 Rutland County Council will ensure that any forms used to gather data on an individual will contain a statement (Privacy Notice) explaining the use of that data, how the data may be disclosed and also indicate whether or not the individual needs to consent to the processing.

5.4 Rutland County Council will ensure that if the individual does not give his/her consent for the processing, and there is no other lawful basis on which to process the data, then steps will be taken to ensure that processing of that data does not take place.

6. SUBJECT ACCESS RIGHTS (SARS)

- 6.1 Individuals have a right to access any personal data relating to them which are held by the Council. Any individual wishing to exercise this right should apply in writing to the Data Protection Officer. Any member of staff receiving a SAR should forward this to the Data Protection Officer.
- 6.2 Under the terms of the legislation, any such requests must **usually** be complied with within one month of receipt.
- 6.3 For detailed guidance on responding to SARs, see the Rutland County Council website (rutland@rutland.gov.uk)—(<https://www.rutland.gov.uk/my-council/data-protection/subject-access-request/>)

7. DISCLOSURE OF DATA

- 7.1 Only disclosures which have been notified under the Council's Data Protection process must be made and therefore staff should exercise caution when asked to disclose personal data held on another individual or third party.
- 7.2 Rutland County Council ~~undertakes not to~~ **will not** disclose personal data to unauthorised third parties, including family members, friends, government bodies and in some circumstances, the police.

Legitimate disclosures may occur in the following instances:

- the individual has given their consent to the disclosure.
 - the disclosure is required for the performance of a contract.
 - **for the purpose of law enforcement.**
- 7.2 There are other instances when the legislation permits disclosure without the consent of the individual. For detailed guidance on disclosures see the Information Commissioners Office website (ico.org.uk).
 - 7.3 ~~In no circumstances will~~ Rutland County Council **does not usually** sell any of its databases to a third party.

8. PUBLICATION OF COUNCIL INFORMATION

- 8.1 Rutland County Council publishes various items which will include some personal data, e.g.
 - event information.
 - photos and information in marketing materials.

9. EMAIL

9.1 It is the ~~policy~~ **Policy** of Rutland County Council to ensure that senders and recipients of email are made aware that under the **UK** GDPR, and Freedom of Information Legislation, the contents of email may have to be disclosed in response to a request for information. One means by which this will be communicated will be by a disclaimer on the Council's email.

9.2 Under the Regulation of Investigatory Powers Act 2000, Lawful Business Practice Regulations, any email sent to or from the Council may be accessed by someone other than the recipient for system management and security purposes.

10. CCTV

10.1 There are some CCTV systems operating within Rutland County Council for the purpose of protecting people and property. Rutland County Council will only process personal data obtained by the CCTV system in a manner which ensures compliance with the **UK** GDPR.

11. PROCEDURE FOR REVIEW

11.1 This ~~policy~~ **Policy** will be updated as necessary to reflect best practice or future amendments made to the ~~General Data Protection Regulation (GDPR) May 2018.~~ **UK GDPR.**

11.2 Please follow this link to the ICO's website (www.ico.gov.uk) which provides further detailed guidance on a range of topics including individuals' rights, exemptions from the Act, dealing with subject access requests, how to handle requests from third parties for personal data to be disclosed etc.

For help or advice on any data protection or freedom of information issues, please do not hesitate to contact:

The Data Protection Officer (DPO): ~~Sue Bingham~~ **Monitoring Officer**

**A large print version of this document is available on
request**



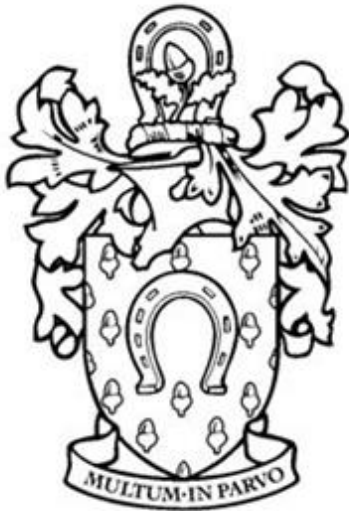
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Rutland County Council

RUTLAND COUNTY COUNCIL DOCUMENT RETENTION AND RECORDS MANAGEMENT POLICY AND PROCEDURES

Version & Policy Number	Version one two
Guardian	Data Protection Officer
Date Produced	May 2018
Next Review Date	June 2019

V1 Approved by Cabinet	June 2018
V2 Approved by Cabinet	PENDING APPROVAL

Summary of document

Rutland County Council has reviewed the way in which it manages its data. This document sets out the Council's commitment to records management and advises on the procedures to be adopted regarding document retention and disposals.

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1. INTRODUCTION

- 1.1 Rutland County Council recognises that its records are an important public asset, and are a key resource to accountability and effective operation. They require careful management and this Policy sets out the Council's responsibilities and activities in regard to the management and retention of its records.
- 1.2 In the course of carrying out its functions and activities, the Council collects information from individuals and external organisations and generates a wide range of data and information. This can be retained as hard copies or in electronic form.
- 1.3 Retention of specific documents may be necessary to fulfil statutory or other regulatory requirements, evidence events in the case of a dispute and preserve documents of historic and other value.
- 1.4 The untimely destruction of documents could cause the Council to face difficulties in defending litigious claims, meet operational requirements or fail to comply with the Freedom of Information or Data protection legislation.
- 1.5 Conversely, the permanent retention of data and information is unfeasible and appropriate disposal is necessary to allow for adequate storage space and compliance with Data Protection legislation.
- 1.6 The effective management of records in all formats depends as much on their efficient disposal as well as their long-term preservation. As a Local Authority we must be consistent in the way we handle and dispose of our information. These guidelines will assist the Council in meeting local needs whilst providing a consistent approach to record keeping across the organisation.

2. SCOPE AND PURPOSE

- 2.1 The purpose of this policy is to provide a corporate framework to govern how particular documents (or sets of documents) should be:
 - Retained – and if so, in what format, and for what period of time; or
 - Disposed of – and if so, when and by what method.

Additionally this policy seeks to clarify the roles and responsibilities of designated officers in the decision-making process.

- 2.2 This policy is not concerned with the disposal/retention of unused materials (e.g. stocks of paper, unused forms, duplicated documents).

3. THE RETENTION/DISPOSAL PROTOCOL

- 3.1 Any decision whether to retain or dispose of a document should be taken in accordance with the retention/disposal protocol. This Policy consists of the key disposal/retention considerations criteria checklist, set out in Appendix 1. No document should be disposed of unless considered against this criterion.
- This Policy should be used in conjunction with the ~~the~~ Retention Schedules (taken from the Asset Register). These provide guidance on recommended and mandatory minimum retention periods for specific classes of documents/records.

4. ROLES AND RESPONSIBILITIES

- 4.1 Responsibility for determining (in accordance with the Retention/Disposal checklist and schedule) whether to retain or dispose of specific documents rests with the Head of Service.
- 4.2 The Data Protection Officer can advise on whether minimum retention periods are prescribed by law. However, they cannot be expected to possess the operational or background knowledge required to assess whether a particular document may be required by the department concerned for operational need. This is the responsibility of the relevant Head of Service.
- 4.3 The Data Protection Officer is available to provide guidance on effective records management practices.
- 4.4 The Lead responsibility for records management has been assigned to the Data Protection Officer, who is also the Statutory Data Protection Officer for the Council.
- 4.5 Nominated Information Champions have been allocated within each area to act as a communication point and to support the implementation of the corporate records management programme in their respective areas.

5. DISPOSAL

- 5.1 Disposal can be achieved by a range of processes:
- Confidential waste;
 - Physical destruction onsite (shredding);
 - Deletion – where computer files are concerned;
 - Migration of documents to an external body.
- 5.3 The following considerations should be taken into account when selecting any method of disposal:
- Under no circumstances should paper documents containing personal data or confidential information be simply deposited in non-confidential bins.

- If steps are taken to make data virtually impossible to retrieve then this will be regarded as equivalent to deletion.
- Migration of documents to a third party (other than for destruction or recycling) will be relevant where documents or records are of historic interest and/or have intrinsic value. Migration can include the transfer of data to a third party service provider.

6. UK General Data Protection Regulations

- 6.1 All staff need to be aware that under the **UK** General Data Protection Regulations (**UK** GDPR) personal data processed for any purpose must not be kept for any longer than is necessary for that purpose. In other words, retaining documents or records that contain personal data beyond the length of time necessary for the purpose for which that data was obtained is unlawful. If legislation is silent on this provision; it is a matter for reasonable judgement and common sense as to how long personal data (which falls outside legislative guidance) should be retained.

7. STANDARD OPERATION PRACTICE (SOP)

- 7.1 There are some records that do not need to be kept at all; SOP defines types of records which staff may routinely destroy in the normal course of business.
- 7.2 SOP usually applies to information that is duplicated, unimportant or only short-term facilitative value. Some examples are:
- Compliment slips
 - Catalogues and trade journals
 - Telephone message slips
 - Non-acceptance of invitations
 - Requests for stock information such as maps, plans or advertising material
 - Out of date distribution lists
 - Duplicate copies of documents (see below)
- 7.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports maybe destroyed as being unimportant. This includes electronic copies of such.

8. FORMAT OF RECORDS

- 8.1 This Document Retention and Records Management Policy is relevant to records which are electronic, paper or record which have been transferred to another format such as microfiche.

9. REVIEWING THE SCHEDULE

- 9.1 These guidelines prescribe minimum and permanent retention periods. The guidance will be reviewed at regular intervals to ensure it is still fit for purpose.

Key Disposal/Retention Considerations

Introduction

No document should be earmarked for disposal unless due regard has been given to five Key Disposal/Retention considerations detailed in this Appendix and with reference to the Retention Schedule Document.

KEY CONSIDERATION 1

Has the document been appraised?

1. As a first step, the nature/contents of any document being considered for disposal should be ascertained. No document(s) should be earmarked or designated for disposal unless this has been done. Insofar as existing documents are concerned it follows that the above can only be achieved by the carrying out of physical inspection and appraisal. The process may only take a few minutes – perhaps even seconds. Nonetheless it can be a skilled task – depending on the complexity of the document(s) concerned – and should only be undertaken by officers who possess the sufficient operational knowledge to enable them to identify the document concerned and its function within both the individual Department and corporate frameworks. Any decision to the effect that future documents of a specified description be disposed of on expiry of a specified retention period should be an informed one i.e. taken with a full appreciation and understanding of the nature and function of such documents.
2. The above is largely common-sense, and hardly needs to be stated. However, if appraisal is inadvertently overlooked or carried out negligently, or by an employee who lacks the necessary background operational knowledge, the Council runs the risk of important documents being destroyed in error.

Key Consideration 2

Is retention required to fulfil statutory or other regulatory requirements?

There is, in fact, very little specific legislation that stipulates mandatory retention periods for documents in Local Government.

The pieces of legislation which do, either directly or indirectly, impose minimum retention periods are as follows:

Tax Legislation: Minimum retention period for certain financial records are imposed by statutes such as the VAT Act 1994, and the Taxes Management Act 1970. The relevant retention periods are identified in the Retention Schedules Document.

Statutory Register: Various Local Government statutes require to be kept of certain events, notifications, or transactions. It is implicit with such legislative requirement that these records be maintained on a permanent basis, unless the legislation concerned stipulates otherwise.

The Audit Commission Act 1998: This provides auditors with a right of access to every document relating to the Council that appears necessary for the purpose of carrying out the auditor's function under the Act.

The Local Government Act 1972, s.225: Any document deposited with "the proper officer" of the Council in accordance with Statute should be retained permanently.

Part VA of the Local Government Act 1972: This governs public access to certain documents relating to Council and Committee meetings. Certain documents that form part of the public part of the agenda are required to be available for inspection by members of the public.

Key Consideration 3

Is retention required to evidence events in the case of dispute?

On occasions, the Council becomes involved in disputes with third parties. Such disputes, if not satisfactorily resolved, can result in the dissatisfied party bringing legal proceedings against the Council, usually (but not always) with a view to obtaining monetary compensation. Conversely, the Council may wish to institute legal proceedings against an individual or organisation e.g. to recover an unpaid debt, or in respect of faulty workmanship. Where a dispute arises, or litigation has been commenced it is important that the Council has access to all correspondence and other documentation that is relevant to the matter. Without such, there is the danger that the Council's position will be compromised, and the possibility that an unmeritorious claim might succeed, or that the Council may be unable to assert legal entitlements.

The Limitations Act 1980 specifies time limits for commencing litigation. The starting point therefore, is that the retention period is the length of time that has to elapse before a claim is barred.

The six-year retention period and risk assessment: As stated above the majority of potential legal claims are statute barred on the expiry of 6 years. For this reason many organisations consider it prudent to retain files/records for a period of 6 years from the date when the subject matter was completed.

Heads of Service (or designated officers) should be prepared to carry out a risk analysis, with a view to disposal of such documents within a shorter period of than the 6 year time frame.

Key Consideration 4

Is retention required to meet the operational needs of the department?

In some cases retention may be desirable (whether permanent or otherwise) even though no minimum retention period applies. Heads of Service (or designated officers) should be open to the danger of discarding documents or records that might be useful for future reference purposes (e.g. training), as precedence, or for performance management (performance indicators, benchmarking and comparison exercises). A professional judgement needs to be made as to the usefulness of a particular document.

Key Consideration 5

Is retention required because the document or record is of historical interest or intrinsic value?

In most cases this consideration will not be applicable. However, it is certainly possible that some documents currently in Council storage may be of historic interest and/or even have some monetary value.

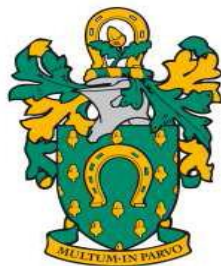
Illustration

A Local Authority may have in its possession records of damage to property caused by air raids during WWII. These records may well be of interest to museums and local history societies.

Where it is suspected that the document falls within this description, appropriate enquires should always be made before taking any further action.

Even if the document is of historical or monetary value, disposal rather than retention by the Council may well be the appropriate option.

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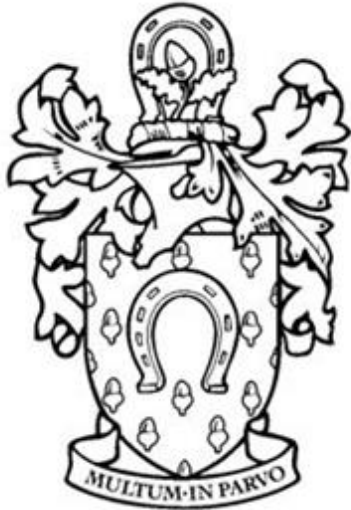


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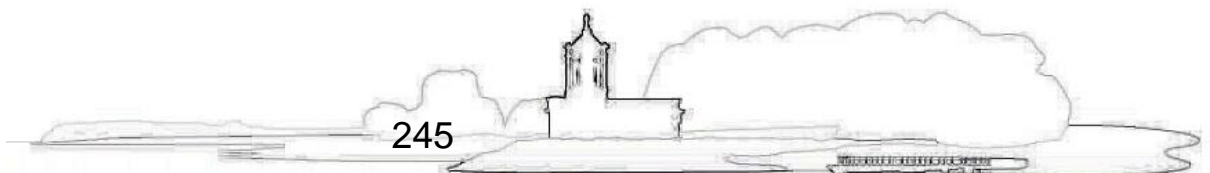
Rutland County Council

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

FOR THE USE OF COVERT SURVEILLANCE, COVERT
HUMAN INTELLIGENCE SOURCES (CHIS) and THE
ACQUISITION AND DISCLOSURE OF COMMUNICATIONS
DATA

Version & Policy Number	Version 2 3
Guardian	Deputy Director Corporate Governance
Date Produced	December 2018
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BACKGROUND

Rutland County Council (“the Council”) only carries out covert surveillance where such action is justified and endeavours to keep such surveillance to a minimum. It recognises its obligation to comply with RIPA when such an investigation is for the purpose of preventing or detecting crime or preventing disorder, and has produced this guidance document to assist officers

Applications for authority

An officer of at least the level of Director will act as Authorising Officer and consider all applications for authorisation in accordance with RIPA. Any incomplete or inadequate application forms will be returned to the applicant for amendment. The Authorising Officer shall in particular ensure that: -

- a) there is a satisfactory reason for carrying out the surveillance
- b) any directed surveillance passes the “serious crime” threshold
- c) the covert nature of the investigation is necessary
- d) proper consideration has been given to collateral intrusion
- e) the proposed length and extent of the surveillance is proportionate to the information being sought.
- f) Chief Executive’s authorisation is sought where confidential Legal / medical / clerical / parliamentary / journalistic / spiritual welfare issues are involved
- g) The authorisations are reviewed and cancelled.
- h) Records of all authorisations are sent to Information Governance for entry on a Central Register.

Once authorisation has been obtained from the Authorising Officer, the Authorising Officer will attend the Magistrates’ Court in order to obtain Judicial approval for the authorisation.

Training

Each Authorising Officer shall be responsible for ensuring that relevant members of staff are aware of the Act’s requirements.

Refresher training shall be offered once a year via a Learning Pool E-Learning module (provided by Human Resources) to relevant Officers of the Council and also give advice and training on request.

Central register and records

The Information Governance Team shall retain the Central Register of all authorisations issued by the Council. The Information Governance Team will also monitor the content of the application forms and authorisations to ensure that they comply with the Act.

Senior Responsible Officer (“SRO”)

The Senior Responsible Officer, a role required by the ~~Office of the Surveillance Commissioners (the “OSC”)~~ **Investigatory Powers Commissioner’s Office (IPCO) and the Chief Surveillance Commissioner to the Investigatory Powers Commissioner’s Office** with oversight of the Council’s use of RIPA powers is the ~~Deputy Director Corporate Governance~~ **Monitoring Officer**.

RIPA Co-ordinating Officer

The RIPA Co-ordinating Officer role, with the responsibility for the day-to-day RIPA management and administrative processes observed in obtaining an authorisation and advice thereon is performed by the Data Protection Officer.

1.0 RIPA - PART II DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCE

1.1 PURPOSE

The purpose of this guidance is to explain:

- a) the scope of RIPA – Part II;
- b) the circumstances where it applies, and
- c) the authorisation procedures to be followed.

1.2 INTRODUCTION

This Act, which came into force in 2000, is intended to regulate the use of investigatory powers exercised by various bodies including local authorities, and ensure that they are used in accordance with human rights. This is achieved by requiring certain investigations to be authorised by an appropriate officer and approved by the judiciary before they are carried out.

In November 2016, the Investigatory Powers Bill received Royal Assent and is known as the Investigatory Powers Act 2016. The investigatory powers, which are relevant to a local authority, are directed covert surveillance in respect of specific operations, involving criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months’ imprisonment or are related to the underage sale of alcohol and tobacco, and the use of covert human intelligence sources (“CHIS”). The Act makes it clear for which purposes they may be used, to what extent, and who may authorise their use.

The policy should be read in conjunction with the Home Office Codes of Practice on covert surveillance and covert human intelligence sources; acquisition and disclosure of communications data, and any guidance issued by the Investigatory Powers Commissioner’s Office (IPCO) (~~formerly the Office of Surveillance~~

~~Commissioners—OSC~~). Codes of Practices in relation to the use of these powers and these are attached at Appendix B & E.

Consideration must be given, prior to authorisation as to whether or not the acquisition of private information or the covert manipulation of a relationship is necessary and proportionate, i.e. whether a potential breach of a human right is justified in the interests of the community as a whole, or whether the information could be gleaned in other ways.

2.0 SCRUTINY AND TRIBUNAL

2.1 External Security and Tribunal

As of 1st November 2012 the Council has to obtain an order from a Justice of the Peace approving the grant or renewal of any authorisation for the use of directed surveillance or CHIS before the authorisation can take effect and the activity carried out. The Council can only appeal a decision of the Justice of the Peace on a point of law by Judicial review.

~~The Office of Surveillance Commissioners (OSC)~~ **The Chief Surveillance Commissioner to the Investigatory Powers Commissioner's Office (IPCO)** was set up to monitor compliance with RIPA. ~~The OSC—~~ **Chief Surveillance Commissioner to the IPCO** has “a duty to keep under review the exercise and performance by the relevant persons of the powers and duties under Part II of RIPA”, and the **Chief Surveillance Commissioner to the IPCO** will from time to time inspect the Council's records and procedures for this purpose.

In order to ensure that investigating authorities are using the powers properly, the Act also establishes a Tribunal to hear complaints from persons aggrieved by conduct, e.g. directed surveillance. Applications will be heard on a judicial review basis. Such claims must be brought no later than one year after the taking place of the conduct to which it relates, unless it is just and equitable to extend this period.

The Tribunal can order:

- a) Quashing or cancellation of any warrant or authorisation;
- b) Destruction of any records or information obtained by using a warrant or Authorisation;
- c) Destruction of records or information held by a public authority in relation to any person.

The Council has a duty to disclose to the tribunal all documents they require if any Council officer has:

- a) Granted any authorisation under RIPA
- b) Engaged in any conduct as a result of such authorisation

2.2 Internal Scrutiny

The Council will ensure that the SRO is responsible for;

- a) The integrity of the process in place within the Council to authorise directed surveillance and CHIS;
- b) Compliance with PART II of the 2000 Act and with the accompanying Codes of Practice;
- c) Engagement with the Commissioners and inspectors when they conduct their inspections and
- d) Where necessary overseeing the implementation of any post-inspection action plans recommended or approved by a Commissioner.

The Elected Members of the Council will review the Council's use of the 2000 Act and the Council's policy and guidance documents at least once a year. Members will also consider internal reports on a regular basis throughout the year indicating the nature of RIPA activity undertaken or inactivity, to ensure that any use is consistent with the Council's policy and that the policy is fit for purpose. The Members will not however be involved in making decisions on specific authorisations.

2.3 Unauthorised Activities

If any Officer is concerned that surveillance/CHIS activity is taking place and there is no authorisation under RIPA in place, he/she should have contacted The Information Governance Team to seek advice.

If any activity is deemed to be unauthorised, it will be reported to the **OSC Chief Surveillance Commissioner to the IPCO**.

3.0 BENEFITS OF RIPA AUTHORISATIONS

The Act states that if authorisation confers entitlement to engage in a certain conduct and the conduct is in accordance with the authorisation, then it will be lawful for all purposes. Consequently, RIPA provides a statutory framework under which covert surveillance or CHIS can be authorised and conducted compatibly with Article 8 of the Human Rights Act 1998 – a person's right to respect for their private and family life, home and correspondence.

Material obtained through properly authorised covert activity is admissible evidence in criminal proceedings.

4.0 DEFINITIONS

4.1 Covert is defined as surveillance carried out in such a manner that is calculated to ensure that the person subject to it is unaware that it is or may be taking place.

4.2 Covert Human Intelligence Source (CHIS) is defined as a person who establishes or maintains a personal or other relationship with a person for the covert process of obtaining/providing access to/disclosing, information obtained through that relationship or as a consequence of the relationship.

4.3 Directed surveillance is defined as covert but not intrusive surveillance and undertaken:

- a) for a specific investigation or operations;
- b) in such a way that is likely to result in the obtaining of private information about any person;
- c) other than by way of an immediate response.

4.4 Private information includes any information relating to a person's private or family life. Private information should be taken generally to include information on any aspect of a person's private or personal relationship with others including family and professional or business relationships.

4.5 Intrusive surveillance is covert surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or using a surveillance device. Rutland County Council cannot authorise such surveillance.

4.6 Authorising Officer in the case of the Council, is the Chief Executive and Directors. If the operation concerns more than one Department in the Council, it can only be authorised by the Chief Executive.

5.0 WHEN DOES RIPA APPLY

Where the directed covert surveillance of an individual or group of individuals, or the use of a CHIS is necessary for the purpose of preventing or detecting crime or of preventing disorder.

The Council can only authorise Directed Surveillance to prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months' imprisonment or be an offence under:

- a) Section 146 of the Licensing Act 2003 (sale of alcohol to children)
- b) Section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children)
- c) Section 147A of the Licensing Act 2003 (persistently selling alcohol to children)
- d) Section 7 of the Children and Young Persons Act 1933 (sale of tobacco, etc. to persons under eighteen)

5.1 CCTV

The normal use of CCTV is not usually covert because members of the public are informed by signs that such equipment is in operation. However, authorisation should be sought where it is intended to use CCTV covertly and in a pre-planned manner as part of a specific investigation or operation to target a specific individual or group of individuals. Equally a request, say by the police,

to track particular individuals via CCTV recordings may require authorisation (from the police).

5.2 Online Covert Activity

The use of the internet and social media sites may be required to gather information prior to and during an operation/investigation. Officers should exercise caution when utilising such sites during an investigation and be alert to situations where authorisations under RIPA may be required. If officers have any concerns over the use of social media during an investigation they should contact their Line Manager. As a general rule of thumb however, reviewing open source sites such as Facebook pages where no privacy settings are in place does not require an authorisation under RIPA unless review is carried out with some regularity, often to build a profile, when directed surveillance authorisation may be required. If the officer then, for the purposes of gleaning intelligence breaches privacy controls and becomes for example a “friend” within a subject's Facebook account, utilising a pseudo account to conceal his/her identity as a Council official, this is a covert operation which, by its nature, is intended to obtain private information and should be authorised as a minimum as directed surveillance. Further, if the officer engages in any form of relationship with the account operator then s/he is likely to become a CHIS requiring authorisation and management by a Controller and Handler with a record being kept and a risk assessment created.

The Home Office Revised Code of Practice on Covert Surveillance and Property Interference, published in 2018, provides the following guidance in relation to online covert activity:

‘The growth of the internet, and the extent of the information that is now available online, presents new opportunities for public authorities to view or gather information which may assist them in preventing or detecting crime or carrying out other statutory functions, as well as in understanding and engaging with the public they serve. It is important that public authorities are able to make full and lawful use of this information for their statutory purposes. Much of it can be accessed without the need for RIPA authorisation; use of the internet prior to an investigation should not normally engage privacy considerations. But if the study of an individual's online presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, RIPA authorisations may need to be considered. The following guidance is intended to assist public authorities in identifying when such authorisations may be appropriate.

- *The internet may be used for intelligence gathering and/or as a surveillance tool. Where online monitoring or investigation is conducted covertly for the purpose of a specific investigation or operation and is likely to result in the obtaining of private information about a person or group, an authorisation for directed surveillance should be considered, as set out elsewhere in this code. Where a person acting on behalf of a public authority is intending to engage with others online without disclosing his or her identity, a CHIS authorisation may be needed (paragraphs 4.10 to 4.16 of the*

Covert Human Intelligence Sources code of practice provide detail on where a CHIS authorisation may be available for online activity).

Page 11 of 24 In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject(s) knowing that the surveillance is or may be taking place. Use of the internet itself may be considered as adopting a surveillance technique calculated to ensure that the subject is unaware of it, even if no further steps are taken to conceal the activity. Conversely, where a public authority has taken reasonable steps to inform the public or particular individuals that the surveillance is or may be taking place, the activity may be regarded as overt, and a directed surveillance authorisation will not normally be available.

As set out below, depending on the nature of the online platform, there may be a reduced expectation of privacy where information relating to a person or group of people is made openly available within the public domain, however in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity. This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings.

Where information about an individual is placed on a publicly accessible database, for example the telephone directory or Companies House, which is commonly used and known to be accessible to all, they are unlikely to have any reasonable expectation of privacy over the monitoring by public authorities of that information. Individuals who post information on social media networks and other websites whose purpose is to communicate messages to a wide audience are also less likely to hold a reasonable expectation of privacy in relation to that information. Whether a public authority interferes with a person's private life includes a consideration of the nature of the public authority's activity in relation to that information.

Simple reconnaissance of such sites (i.e., preliminary examination with a view to establishing whether the site or its contents are of interest) is unlikely to interfere with a person's reasonably held expectation of privacy and therefore is not likely to require a directed surveillance authorisation. But where a public authority is systematically collecting and recording information about a particular person or group, a directed surveillance authorisation should be considered. These considerations apply regardless of when the information was shared online.'

6.0 COVERT HUMAN INTELLIGENCE SOURCE (CHIS)

6.1 The RIPA definition (section 26) is anyone who;

- a) establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraphs b) or c);
- b) covertly uses such a relationship to obtain information or provide access to any information to another person; or

- c) covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

Any reference to the conduct of a CHIS includes the conduct of a source which falls within a) to c) or is incidental to it.

References to the use of a CHIS are references to inducing, asking or assisting a person to engage in such conduct.

6.2 Section 26(9) of RIPA goes onto define

- a) a purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if, and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of that purpose; and
- b) a relationship is used covertly, and information obtained as mentioned in above and is disclosed covertly, if, and only if it is used or as the case may be, disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

With any authorised use of a CHIS, the Council must ensure that arrangements are in place for the proper oversight and management of the CHIS, this includes appointing individual officers as handlers and controllers in relation to the CHIS. There is a risk that an informant who is providing information to the Council voluntarily may in reality be a CHIS even if not tasked to obtain information covertly. It is the activity of the CHIS in exploiting a relationship for a covert purpose which is ultimately authorised in the 2000 Act, not whether or not the CHIS is asked to do so by the Council. When an informant gives repeat information about a suspect or about a family and it becomes apparent that the informant may be obtaining the information in the course of a neighbourhood or family relationship, it may mean that the informant is in fact a CHIS. Legal advice should always be sought in such instances before acting on any information from such an informant.

6.3 Juvenile Sources

Special safeguards apply to the use or conduct of juvenile sources; that is sources under the age of 18 years. **Paragraph 4.2 of the Home Office guidance 2018 on Covert Human Intelligence Source provides that:**

On no occasion should the use or conduct of a source under the age of 16 years be authorised to give information against his parents or any person who has parental responsibility for him.

~~The duration of a juvenile CHIS is one month. The Regulation of Investigatory Powers (Juveniles) Order 2000 SI No. 2793 contains special provisions which must be adhered to in respect of juvenile sources.~~

In other cases, authorisations should not be granted unless the special provisions, contained within the Regulation of Investigatory Powers (Juveniles) Order 2000 SI No. 2793 are satisfied.'

(<https://www.legislation.gov.uk/ukSI/2000/2793/contents/made>)

Any authorisation of a juvenile CHIS must be **granted** by the Chief Executive.

6.4 Vulnerable Individuals

A vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age, or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. **Special consideration must be given to the use of a Vulnerable Individual as a CHIS. Emphasis must be placed on the operation of the provisions for the source's welfare.** Any individual of this description should only be authorised to act as a source in the most exceptional circumstances. Any authorisation of a vulnerable individual as a CHIS must be by the Chief Executive.

7.0 AUTHORISATIONS

7.1 Applications for directed surveillance

All application forms must be fully completed with the required details to enable the authorising officer to make an informed decision. Application forms are available on the Home Office website; officers should ensure they are using the most up to date forms for RIPA authorisations. The authorisation will only commence on the date Magistrates Court approval is obtained (see 7.6) and runs for three months from that date of that approval. No authorisation shall be granted unless the authorising officer is satisfied that the investigation is:

- a) necessary for either the purpose of preventing or detecting crime or of preventing disorder;
- b) Involves a criminal offence punishable whether summarily or on indictment by a maximum sentence of at least six months' imprisonment or related to the underage sale of alcohol or tobacco (see 5 for offences);
- c) Proportionate - This has 3 elements, namely,
 - that the method of surveillance proposed is not excessive to the seriousness of the matter under investigation;
 - the method used must be the least invasive of the target's privacy;
 - the privacy of innocent members of the public must be respected and collateral intrusion minimised (see 7.1).
- d) and that no other form of investigation would be appropriate;
- e) The grant of authorisation should indicate that consideration has been given to the above points;
- f) Advice should be sought from the Data Protection Officer on any issues of concern.

The Authorising Officer must take into account the risk of 'collateral intrusion' i.e. intrusion on, or interference with, the privacy of persons other than the subject of the investigation. The application must include an assessment of any risk of collateral intrusion for this purpose.

Steps must be taken to avoid unnecessary collateral intrusion and minimise any necessary intrusion.

Those carrying out the investigation must inform the Authorising Officer of any unexpected interference with the privacy of individuals who are not covered by the authorisation, as soon as it becomes apparent. Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to what is sought to be achieved.

The Authorising Officer should also fully understand the capabilities and sensitivity levels of any equipment being used to carry out directed surveillance so as to properly assess the risk of collateral intrusion in surveillance techniques.

7.2 Special consideration in respect of confidential information

Particular attention is drawn to areas where the subject of surveillance may reasonably expect a high degree of privacy e.g. where confidential information is involved. Confidential information consists of matters subject to legal privilege, communication between a Member of Parliament and another person on constituency matters, confidential personal information, **confidential constituent information** or confidential journalistic material.

7.2.1 Legal privilege

Generally, this applies to communications between an individual and his/her legal adviser in connection with the giving of legal advice in connection with or in contemplation of legal proceedings. Such information is unlikely ever to be admissible as evidence in criminal proceedings.

If in doubt, the advice of Legal Services should be sought in respect of any issues in this area.

7.2.2 Confidential personal information

This is oral or written information held in (express or implied) confidence, relating to the physical or mental health or spiritual counselling concerning an individual (alive or dead) who can be identified from it. Specific examples provided in the codes of practice are consultations between a health professional and a patient, discussions between a minister of religion and an individual relating to the latter's spiritual welfare or matters of medical or journalistic confidentiality

7.2.3 Confidential journalistic

This is material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence. It should be noted that matters considered to be confidential under RIPA may not necessarily be properly regarded as confidential under section 41 of the Freedom of Information Act 2000.

Where such information is likely to be acquired, the surveillance may only be authorised by the Chief Executive, or, in his/her absence, a Chief Officer and should only be authorised where there are exceptional and compelling circumstances that make the authorisation necessary.

7.3 Authorisations

Authorisations must be in writing and have a “wet” signature.

7.4 Notifications to Inspector/Commissioner

The following situations must be brought to the inspector/commissioner’s attention at the next inspection:

- a) Where an officer has had to authorise surveillance in respect of an investigation in which he/she is directly involved;
- b) Where a lawyer is the subject of an investigation or operation;
- c) Where confidential personal information or confidential journalistic information has been acquired and retained.

7.5 Applications for CHIS

The process for CHIS applications is the same as for directed surveillance except that the serious crime threshold of investigating criminal offences with a sentence of at least 6 months in imprisonment does not apply. The authorisation must be in writing, must specify the activities and identity (by pseudonym only) of the CHIS and that the authorised conduct is carried out for the purposes of, or in connection with, the investigation or operation so specified.

Again the Authorising Officer must be satisfied that the authorised use and conduct of the CHIS is proportionate to what is sought to be achieved by that conduct and the CHIS must be necessary for the prevention or detection of crime or the prevention of disorder.

All application forms must be fully completed with the required details to enable the Authorising Officer to make an informed decision. A risk assessment and record must be prepared for each CHIS.

7.6 Judicial Approval of authorisations (see guidance at Appendix C and D)

Once the Authorising Officer has authorised the Directed surveillance or CHIS, **the Applicant and the** Authorising Officer who gave the authorisation should

attend the Magistrates Court for the authorisation to be approved by a Justice of the Peace. **In the event that the Applicant cannot be present, the Authorising Officer would need approval for rights of audience subject to Section 223 of the Local Government Act 1972.** The hearing should ideally be on the same day as the Authorising Officer gives authorisation; the court should be contacted prior to attendance to ensure the matter can be heard.

The Authorising Officer will provide the Justice of the Peace with a copy of the original authorisation and the supporting documents setting out the case. This forms the basis of the application to the Justice of the Peace and should contain all information that is relied upon.

In addition, the Authorising Officer will provide the Justice of the Peace with a partially completed judicial application/order form. These documents should be taken to the court by the Authorising Officer and not sent to the court by any other means prior to the hearing.

The hearing will be in private and the Authorising Officer will be sworn in and present evidence as required by the Justice of the Peace. Any such evidence should be limited to the information in the authorisation.

The Justice of the Peace will consider whether he/she is satisfied that at the time the authorisation was given there were reasonable grounds for believing that the authorisation or notice was necessary and proportionate and whether that continues to be the case. They will also consider whether the authorisation was given by the appropriate designated person at the correct level within the Council and whether (in the case of directed surveillance) the crime threshold has been met.

The Justice of the Peace can:

- a) Approve the grant of the authorisation, which means the authorisation will then take effect for a period of three months;
- b) Refuse to approve the grant of the authorisation, which means the authorisation will not take effect but the Council could look at the reasons for refusal, make any amendments and reapply for judicial approval;
- c) Refuse to approve the grant of the authorisation and quash the original authorisation. The court cannot exercise its power to quash the authorisation unless the applicant has at least 2 business days from the date of the refusal in which to make representations.

No directed surveillance or CHIS action will be taken prior to approval by both the Authorising Officer and Magistrates Court.

7.7 Working in partnership with the Police

Authorisation can be granted in situations where the police rather than Rutland County Council require the surveillance to take action, as long as the behaviour complained of, meets all criteria to grant and in addition is also of

concern to the Council. Authorisation cannot be granted for surveillance requested by the police for a purely police issue.

The Police, as an emergency service may authorise RIPA without Magistrates approval, if an urgent situation arises and RIPA authorisation would be required urgently the Council should contact the Police.

8.0 UNIQUE OPERATION REFERENCE NUMBER

Each Application for Directed Surveillance and CHIS, must have a Unique Operation Reference Number. This URN will begin with either ENV (if it is granted in the Environment and Planning Department) or FIN (if it is granted in the Finance Department), followed by a sequential number, followed by 2018 being the year in which the Authority was applied for e.g. ENV/01/2018

9.0 DURATION AND CANCELLATION

An authorisation for directed surveillance shall cease to have effect (if not renewed or cancelled) 3 months from the date the Justice of the Peace approves the grant.

If renewed the authorisation shall cease to have effect 3 months from the expiry date of the original authorisation.

An authorisation for CHIS shall cease to have effect (unless renewed or unless juvenile) 12 months from the date the Justice of the Peace approves the grant or renewal.

This does not mean that the authorisation should continue for the whole period so that it lapses at the end of this time. The authorisation must be cancelled as soon as that officer decides that the surveillance should be discontinued.

On cancellation the cancellation form should detail what product has been obtained as a result of the surveillance activity. The forms should include the dates and times of the activity, the nature of the product obtained and its format, any associated log or reference numbers, details of where the product is to be held and the name of the officer responsible for its future management.

Documentation of any instruction to cease surveillance should be retained and kept with the cancellation form.

10.0 REVIEWS

The Authorising Officer should review all authorisations at intervals determined by him/herself. This should be as often as necessary and practicable. The reviews should be recorded.

If the directed surveillance authorisation provides for the surveillance of unidentified individuals whose identity is later established, the terms of the authorisation should be refined at review to include the identity of these individuals. It would be appropriate to call a review specifically for this purpose.

Particular attention should be paid to the possibility of obtaining confidential information and an assessment as to the information gleaned should take place at every review.

11.0 RENEWALS

Any Authorising Officer may renew an existing authorisation on the same terms as the original at any time before the original ceases to have effect. The renewal must then be approved by the Justice of the Peace in the same way the original authorisation was approved. The process outlined in paragraph 7.6 should be followed for renewals.

A CHIS authorisation must be thoroughly reviewed before it is renewed.

12.0 CENTRAL REGISTER OF AUTHORISATIONS

12.1 All authorities must maintain the following documents:

- a) Copy of the application and a copy of the authorisation form and the approval order from the Magistrates together with any supplementary documentation;
- b) A record of the period over which the surveillance has taken place;
- c) The frequency of reviews prescribed by the Authorising Officer;
- d) A record of the result of each review of the authorisation;
- e) A copy of any renewal of an authorisation and Order made by the Magistrates Court and supporting documentation submitted when the renewal was requested;
- f) The date and time when any instruction to cease surveillance as given;
- g) The date and time when any other instruction was given by the Authorising Officer.

To comply with 12. The Information Governance Team hold the central register of all authorisations issued by officers of Rutland county Council. The original authorisation, reviews, renewal and cancellation issued should be passed immediately to the Information Governance Team. A copy should be kept by the applicant Department and the Authorising Officer. Any original authorisations and renewals taken to the Magistrates Court should be retained by the Council, the court must only keep copies of the authorisations or renewals.

The Council must also maintain a centrally retrievable record of the following information:

- a) type of authorisation;
- b) date the authorisation was given;
- c) details of attendance at the Magistrates' Court, the date of the attendance, the determining Justice of the Peace, the decision of the court and the time and date of the decision;
- d) name and rank/grade of the Authorising Officer;
- e) unique reference number of the investigation/operation;
- f) title (including brief description and names of the subjects) of the investigation/operation;
- g) whether urgency provisions were used, & if so why;
- h) details of reviews;
- i) dates of any renewals including the name and rank of the Authorising Officer;
- j) whether the investigation/operation is likely to result in obtaining confidential information;
- k) whether the authorisation was granted by an individual directly involved in the investigation;
- l) date of cancellation.

These records will be retained for at least 3 years and will be available for inspection by the Office of Surveillance Commissioners.

13.0 RETENTION OF RECORDS

The Council must ensure that arrangements are in place for the secure handling, storage and destruction of material obtained through the use of directed surveillance or CHIS. The Authorising Officers through their relevant Data Controller must ensure compliance with the appropriate data protection requirements under the **UK** General Data Protection Regulations (**UK** GDPR), Data Protection Act 2018 and any relevant codes of practice relating to the handling and storage of material. The Central Register of Authorisations will be kept securely in a locked cabinet in the Legal Services department.

From 2020, the Investigatory Powers Act 2016 and the Code of Practice (Appendix E) placed an obligation to ensure that any data that the council retains is stored properly and subject to a review, retention, and disposal process as part of the IPCO's Data Assurance Programme.

Reference to this can be found in the Investigatory Powers Commissioner's Annual Report 2020.

14.0 COMPLAINTS COMPLAINTS PROCEDURE

The Council will maintain the standards set out in this guidance and the Codes of Practice (See Appendix B & E). The Chief Surveillance Commissioner **to the IPCO** has responsibility for monitoring and reviewing the way the Council exercises the powers and duties conferred by RIPA.

Contravention of RIPA may be reported to the Investigatory Powers Tribunal. Before making such a reference, a complaint concerning a breach of this guidance should be made using the Council's own internal complaints procedure. To request a complaints form, please contact the Data Protection Officer, Rutland County Council, Catmose, Oakham, Rutland, LE15 6HP or telephone 01572 758165 or dataprotection@rutland.gov.uk.

15.0 APPENDICES

Appendix A – Home Office RIPA Forms:

<https://www.gov.uk/government/collections/ripa-forms--2>

Appendix B - Covert Surveillance and Property Interference Code of Practice:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf

Appendix C – Home Office Guidance to Local Authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf

Appendix D – Home Office Guidance for Magistrates' Courts in England and Wales for a Local Authority application seeking an order approving the grant or renewal of a RIPA authorisation or notice:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118174/magistrates-courts-eng-wales.pdf

Appendix E – Covert Human Intelligence Sources – Code of Practice:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742042/20180802_CHIS_code.pdf

**A large print version of this document is
available on request**



Rutland
County Council

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Catmose, Oakham, Rutland LE15 6HP

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CABINET

5th April 2022

LEISURE UPDATE

Report of the Portfolio Holder for Communities, Environment and Climate Change

Strategic Aim:	Vibrant Communities	
Key Decision: Yes	Forward Plan Reference: FP/070322	
Exempt Information	Appendix A of this report contains exempt information and is not for publication in accordance with Part 1 of Schedule 12A of the Local Government Act 1972. Further details can be seen in paragraph 7.2 below	
Cabinet Member(s) Responsible:	Cllr Lucy Stephenson, Portfolio Holder for Communities, Environment and Climate Change	
Contact Officer(s):	Penny Sharp, Strategic Director for Places	01572 758160 psharp@rutland.gov.uk
	Robert Clayton, Head of Culture and Registration	01572 758435 rclayton@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet:

1. Approves the Director for Places, in consultation with the Cabinet Member with portfolio for Communities, Environment and Climate Change, to progress to procurement of a dry-side only leisure management contract for the Catmose Sports Centre on a nil-cost basis for both the Council and Catmose College, following soft market testing undertaken in partnership with Welland Procurement. Award of any contract will be subject to Cabinet approval as part of the procurement process.

2. Approves the termination of the Council's lease for the Catmose Pool and Auxiliary Sports Hall area of the Catmose Campus; and the contribution of a maximum of £150,000 to Catmose College to facilitate the demolition of the Pool, which will reduce the risks associated with the derelict part of the site and enable the Campus rebuild work to be expedited.

1 PURPOSE OF THE REPORT

- 1.1 To update Cabinet on the progress of the leisure review and enable Cabinet to consider the options for the future of the Catmose Sports facility.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 Officers have worked with Welland Procurement to undertake soft market testing to assess the appetite of the Leisure Management sector for operating the Catmose Sports dry side facility following the pandemic. This work has indicated that there are a number of operators interested in bidding to operate the site on a nil revenue cost basis to the Council and the College.
- 2.2 The Council's contract with SLL to operate the site ends in March 2023. Officers recommend that procurement of a successor contract is undertaken in the coming months to seek to ensure there is no gap in provision when SLL's existing contract ends.
- 2.3 The Council's contract with SLL was designed to be nil cost, except for significant repair costs. Under the terms of the contract and lease, these repair costs fall to the Council to meet. Following the closure of the Catmose Pool for safety reasons during the pandemic, Cabinet agreed on 16th November 2021 that the pool should not be re-opened. The pool has continued to deteriorate, and Officers advise it is now necessary to remove risks associated with the derelict site by demolishing it.
- 2.4 Officers have worked with Catmose College to understand the costs of this work and have reached an agreed provisional cost assessment of £150,000. As the Council currently holds a lease on this part of the campus which lasts until 28th February 2032, the Council is liable for this cost. This sum is less than one third the estimated cost for undertaking repairs to the facility.
- 2.5 By demolishing the unsafe parts of the site and tendering a new nil-cost contract for the dry side operation, the Council will be able to explore the opportunity for sustaining existing leisure and wellbeing provision, whilst being able to explore opportunities for future improved provision in partnership with the community.

3 LEISURE AND WELLBEING NEEDS

- 3.1 Both Uppingham School Sports Centre and Oakham School Sports Centre provide access to leisure and swimming facilities and have reported an increase in users following the closure of the Catmose Pool. Both sites have increased their numbers of primary school swimming sessions and swimming lessons, however they have not been able to increase hours of general public access.
- 3.2 In line with Cabinet approval, initial design work and costing for a new build leisure facility on an alternative site (to be determined) has been undertaken. Two options have been specified on the basis of average current construction costs (£3,000 - £3,500 per square metre for leisure centres). Costs are given in the table below.

4 lane pool plus training pool, exercise studio, fitness suite, soft play, café area, consulting room and community room	£14.485m
As above plus 6 court sports hall	£18.795m

As a real-world comparator, the new Whitwick and Coalville Leisure Centre in North-West Leicestershire (with an 8-lane swimming pool and 8-court sports hall) opened in January 2022, at a cost of £22.5m.

- 3.3 New build leisure facility work will not be progressed beyond this initial stage without the identification of at least 90% external funding and a cost neutral revenue operation, in line with the Cabinet decision.
- 3.4 Active lives are not purely about provision of facilities. Many activities can take place in non-specialist multi-purpose spaces, and the development of active environments makes it easier for people to be physically active. The Future Rutland consultation demonstrated the wide range of activities that Rutland residents enjoy, with walking, cycling and swimming being the top-ranking activities. Walking and cycling benefits can be enhanced with long term changes to the way our settlements are planned, built and used. Officers will continue to work with stakeholders to identify opportunities to maximise the opportunities for residents to lead active lives.

4 CONSULTATION

- 4.1 A stakeholder group has been established to inform the development of future leisure options, which includes representatives of the Local Sports Alliance; Active Together; Public Health; and has consultees from the Clinical Commissioning Group and Rutland Access Group. The stakeholder group will be engaged with both the procurement process for the Catmose Sports facility and the development of additional opportunities with the community.

5 ALTERNATIVE OPTIONS

- 5.1 If it is not possible to secure a nil-cost or better contract for Catmose Sports, the Council will need to determine whether to cease leisure provision from the Catmose Sports facility. The decision point for this issue will be at the conclusion of the procurement process.
- 5.2 If the derelict Catmose Pool is not demolished, the Council will bear the health and safety risks of the unsafe site. The College, as Landlord, is able to require the Council to keep the site in a good state of repair. The cost of repair to the Pool, which is beyond its design life, would be many times more than the demolition costs.

6 FINANCIAL IMPLICATIONS

- 6.1 The leisure provision project work is funded through a specific project fund agreed by Cabinet in 2020. This resource can be used to undertake the procurement work for the dry-side provision at Catmose Sports.
- 6.2 Exempt Appendix A outlines in more detail the financial implications of the demolition and repair costs. All of the available options place additional pressures on the Council's Medium Term Financial Plan. The information is restricted as it includes commercially sensitive information.
- 6.3 The capital expenditure required could be funded using part of the Council's c. £11m Reserves. There are significant and continuing pressures on the reserves, however this one-off expenditure should reduce future potential liabilities to the Council from

the derelict facility.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 The Council holds a lease from Catmose College for the auxiliary sports hall complex and swimming pool which expires in 2032. In order to reduce the liability of the Council, it is recommended that this lease is surrendered ahead of the proposed demolition. In order to secure public use of the auxiliary hall and studio through SLL for the remainder of their contract, a simple licence will be agreed with the College.
- 7.2 In order to mitigate any risks arising from the demolition through a third-party contractor working on the College site, it is further recommended that the financial sum is provided to the College to undertake the work, rather than the Council seeking to procure and undertake the work directly itself.

8 DATA PROTECTION IMPLICATIONS

- 8.1 A Data Protection Impact Assessment (DPIA) has been completed. No adverse or other significant risks / issues were found arising from Cabinet considering this issue. A copy of the DPIA can be obtained from Robert Clayton, rclayton@rutland.gov.uk

9 EQUALITY IMPACT ASSESSMENT

- 9.1 If work is not undertaken to secure long term leisure and wellbeing provision for the County, there may be equality and diversity impacts. A full Equality Impact Assessment (EqIA) has been completed which outlines the potential areas of impact.

10 COMMUNITY SAFETY IMPLICATIONS

- 10.1 Provision of accessible, good quality sports and recreation facilities may help to reduce levels of anti-social behaviour, by providing diversionary activities. Membership of sports and recreation organisations helps to build community bonds and a sense of local pride.
- 10.2 Allowing part of the Catmose Campus to remain in a derelict state may increase the risks of vandalism both in the area of the pool and across the wider site.

11 HEALTH AND WELLBEING IMPLICATIONS

- 11.1 Provision of an accessible network of facilities to enable individuals and groups to participate in sports and recreation can be of significant benefit to the health and wellbeing of the community. A vibrant sports community already exists in Rutland is likely to be a significant contribution to the generally high levels of health and wellbeing recorded in the County. A positive attitude to physical fitness and personal health has also been shown to improve the mental wellbeing of individuals. The range of facilities and pursuits available in Rutland is also a strong draw for persons considering relocating to the area.
- 11.2 If the Catmose Sports facility closes without alternative provision there could be short and longer term health implications for the wellbeing of a number of residents both young and old. The loss of the Catmose fitness facilities could result in a

downturn in levels of physical activity within the County. It is therefore recommended that procurement work is undertaken to attempt to secure a nil cost contract to operate the existing dry side facility.

12 ORGANISATIONAL IMPLICATIONS

12.1 Environmental implications

12.2 Provision of local leisure and wellbeing facilities reduces the need of residents to travel significant distances, which reduces the carbon impact on the environment. The derelict Catmose Pool made use of decades-old technology and was highly energy inefficient.

12.3 Procurement Implications

12.4 If a new leisure management contract for the operation of Catmose Sports dry side is to be let, work needs to start immediately to ensure the contract is in place before the existing contract ends. The outcome of the procurement would be subject to further Cabinet approval.

13 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 Cabinet on 16th November 2021 approved a multi-strand series of actions to explore the viability of future leisure provision options for the County. Following exploratory work by Officers and Stakeholders, it is recommended that a procurement exercise is undertaken to attempt to secure a dry-side only nil-cost Leisure Management Contract for the Catmose Sports facility. The outcome of this procurement will be reported to Cabinet for approval.

13.2 The Catmose Pool has continued to deteriorate following its closure for safety reasons during the pandemic. The health and safety risks of the site, and the Council's ongoing liability, have resulted in a recommendation that the Council provide a financial sum to Catmose College to undertake the safe demolition of the Pool, and that it surrenders the lease for that part of the site.

14 BACKGROUND PAPERS

14.1 There are no additional background papers to the report.

15 APPENDICES

15.1 Appendix A – Exempt Financial Summary

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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