

GROWTH, INFRASTRUCTURE AND RESOURCES SCRUTINY PANEL

16th November 2017

RUTLAND LOCAL PLAN – CONSULTATIVE DRAFT

Report of the Chief Executive

Strategic Aim:	Sustainable Growth		
Exempt Information		No	
Cabinet Member(s) Responsible:		Mr O Hemsley, Deputy Leader and Portfolio Holder for Growth, Trading Services and Resources	
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Ward Councillors	N/A		

DECISION RECOMMENDATIONS

1. That the Scrutiny Panel comments on the Consultative Draft Local Plan and its accompanying appendices and provides feedback to Cabinet to be taken into consideration in the preparation of the next version of the Local Plan.

1. PURPOSE OF THE REPORT

- 1.1 In July Cabinet approved for the purposes of conducting initial non-statutory public consultation a Consultative Draft Local Plan. Consultation on this version of the Local Plan covered the period 31st July to 25th September. It is therefore an appropriate opportunity for the Scrutiny Panel to consider the Consultative Draft Local Plan and its accompanying appendices and provides feedback to Cabinet to be taken into consideration in the preparation of the next version of the Local Plan. The Consultative Draft Local Plan represents an important stage in the overall preparation of a new Local Plan for the County and, whilst non-statutory, the proposed consultation will help to shape the form and content of the new Local Plan for Rutland.
- 1.2 This new Local Plan will help to guide proposals for growth and investment in Rutland up to 2036. It will provide greater certainty to all parties regarding the local development process and proposed planning policies for Rutland. The preparation of a new Local Plan provides the opportunity for all our communities to help shape what the County will look like over the next 15-20 years, thereby creating the policy

framework that will help guide all investment and development decisions over the plan period. It also allows the Council to set out its ambitions for the future growth and prosperity of Rutland.

- 1.3 The process of preparing a new Local Plan offers the Council an opportunity to proactively engage with local communities, interested developers, businesses, voluntary groups, public organisations, landowners and neighbouring councils. Over 350 responses have been made to the recent consultation – these have all been logged and acknowledged and will be taken into consideration in preparing the next version of the Local Plan.

2. BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 Local Planning Authorities must prepare a Local Plan that sets out the local planning policies for their local planning authority area. These policies are very important material considerations when deciding planning applications, as all decisions must be made in accordance with the policies unless there are very strong reasons not to do so. Government guidance requires that Local Plans must be positively prepared, justified, effective and be consistent with national policy, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework (NPPF). The NPPF states that every local planning authority in England should seek to have in place a clear, up to date Local Plan that conforms to the Framework, meets local development needs and reflects local people's views about how they wish their community to develop. The plan preparation process should fully involve everyone with an interest in the document or area, and they should have had the chance to comment.
- 2.2 The County Council currently has three key adopted Planning Policy documents in place - the Core Strategy (July 2011); the Minerals Core Strategy and Development Control Policies Development Plan Document (October 2010) and the Site Allocations and Policies Development Plan Document (October 2014) - as well as a number of other supplementary planning policy documents. These generally cover the period up to 2026, and in some cases pre-date the production of the NPPF. As such some of these policies are considered to be no longer fully in line with Government policy. We are therefore reviewing all our current policies and looking into current issues in order to produce a new, up-to-date Local Plan for Rutland that will cover the period up to 2036.
- 2.3 The Consultative Draft Local Plan and accompanying documents have been approved by Cabinet for the purposes of public consultation. This stage of the process proposes both draft policy wording and provisional site allocations. The draft policies are based on evidence reports and take account of our current adopted policies. The provisional site allocations are based on a thorough and robust technical appraisal of sites promoted for development by landowners and/or potential developers as well as other alternative possibilities. The amount of land proposed for development up to 2036 is based on consideration of our objectively assessed needs.
- 2.4 Since the recent consultation, the Government has issued consultation proposals for "Planning for the right homes in the right places" which includes the proposal for the introduction of a standard methodology for the assessment of housing need. The

outcome of this consultation will need to be taken into account in preparing the next version of the Local Plan.

- 2.4 For the avoidance of doubt, until the new Local Plan is adopted, the existing adopted planning policies remain in place and they will be used in determining planning applications.
- 2.5 The Planning and Compulsory Purchase Act 2004 requires a Sustainability Appraisal (SA) to be undertaken for Local Plans. Our Local Plan SA will examine whether the effects of the specific sites/areas allocations and policies, individually or collectively, give rise to sustainability benefits or dis-benefits. The SA will assess the short, medium and long-term social, environmental and economic effects of the individual policy options and the combined effects, in these terms, of the policies for the whole area. It will be updated alongside and in parallel with the development of the Local Plan.
- 2.6 In addition, the Conservation of Habitats and Species Regulations 2010, as amended, normally referred to as 'the Habitats Regulations', transpose the requirements of the EU Habitats and Birds Directives into UK law. The Regulations require a Habitats Regulations Assessment (HRA) to assess potential impacts from the plan on wildlife sites of European importance. This Local Plan will be the subject of HRA, and measures have been embedded within the plan to protect such sites, including in relation to recreation pressure, tourism and water based activities. The HRA will also be updated alongside the plan.
- 2.7 The following table shows the proposed process for the preparation, submission and adoption of the Local Plan in Rutland, with reference to the Local Plan Regulations where appropriate:

Table 1: Local Plan Process

1: Identify issues and collect evidence:

Review existing policies and identify current gaps in policies. Undertake research that will inform the Local Plan.

2: Consult (Issues and Options document) – November 2015 to January 2016:

The Authority will inform stakeholders and the public that the Local Plan is being produced and ask for views on what the plan should cover. Minimum of 6 week consultation period. (Regulation 18)

3: Prepare Consultative Draft Local Plan – up to July 2017:

The evidence and comments received help produce a draft Local Plan.

4: Consult:

Public consultation on Consultative Draft Local Plan – August/September 2017

The Authority will consult with stakeholders and the public on the draft Local Plan for a minimum of 6 weeks, extended for an additional two weeks to cover the summer holiday period. (Regulation 18)

5: Improve Plan:

The Council will take on board comments received and any further evidence as they improve the Local Plan.

6: Publish Plan – Publication:

The Plan is available for stakeholders and the public to comment on for a minimum of 6 weeks. In accordance with Regulation 19, this consultation is formal and statutory seeking specifically to establish the Plan's soundness for Examination in Public. (Regulation 19)

7: Submit:

The Authority will assess the comments received. If it considers that the Local Plan is sound, it can submit the Plan to the Planning Inspectorate. If the Authority wishes to improve the plan, then stages 5 and 6 are repeated. (Regulation 19)

8: Examine:

The Plan is examined by an independent Planning Inspector (Examiner). There will be Public Hearings conducted by the Examiner in all likelihood. (Regulation 24)

9: Adopt:

If the independent Planning Inspector finds the Local Plan sound, the Plan can be adopted by the Authority. (Regulations 25 and 26). If the Inspector does not find the Local Plan sound, the process returns to stage 5.

3. CONSULTATION

- 3.1 As stated above, one stage of consultation has taken place on the Issues and Options document. The Consultative Draft has offered a further opportunity for consultation to help the Council to prepare the Local Plan, with an encouraging level of response received. There will be a subsequent opportunity for consultation when a published version of the Local Plan is produced prior to its submission to the Secretary of State.

4. ALTERNATIVE OPTIONS

- 4.1 This Consultative Draft Local Plan has been informed by a substantial evidence base, including assessments of objectively assessed housing and employment needs. In addition, it has been informed by a consultation exercise regarding issues and options.
- 4.2 The process of preparing a new Local Plan offers the Council an opportunity to proactively engage with local communities, developers, businesses, voluntary groups, public organisations, landowners and our neighbouring councils. Responses to this consultation will help to shape the final document.
- 4.3 The only other option would be for the Council not to undertake the production of the Local Plan. This would not be in line with Government expectations and would also lead to development proposals coming forward in an uncoordinated way with no long term strategic direction to guide growth. This is not considered to be in the best interests of the District, its communities, residents and businesses.

5. FINANCIAL IMPLICATIONS

- 5.1 The costs of the production of the Consultative Draft Local Plan and of conducting the accompanying consultation exercise are covered in existing budgets.

6. LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 The Local Plan is required by statute to be adopted by full Council. Before the draft Local Plan can be considered for adoption, the process for preparing the Local Plan must follow as is set out in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations). Section 18 of the Regulations sets out the requirements for consultation - there is a requirement to consult with:
- such of the specific consultation bodies as the authority consider may have an interest in the subject of the proposed local plan;
 - such of the general consultation bodies as the authority consider appropriate; and
 - such residents or other persons carrying on business in the authority's area from which the authority consider it appropriate to invite representations.
- 6.2 In addition, the Council must comply with any commitments it has made in the adopted statement of community involvement.
- 6.3 The Council must also publicise its intended timetable for producing the Local Plan. This information is contained in the proposed Local Development Scheme which authorities should publish on their web site and must keep up to date.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 A screening report on the Equality Impact Assessment (EqIA) has been prepared and will be updated as the Local Plan progresses to adoption by the Council.

8. COMMUNITY SAFETY IMPLICATIONS

- 8.1 Strategic Objective 6 of the Consultative Draft Rutland Local Plan is: "To develop a stronger and safer community by designing out opportunities for crime and implementing measures to improve road safety to ensure that people can live, work and relax where they feel safe and enjoy a better quality of life." This is promoted through the policies in the draft document.

9. HEALTH AND WELLBEING IMPLICATIONS

- 9.1 Strategic Objective 5 of the Consultative Draft Rutland Local Plan is: "To support healthy and thriving communities by protecting existing and providing new, high quality local and accessible access to health, leisure, recreation, sport, green infrastructure and cultural activities." This is promoted through the policies in the draft document.

10. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 10.1 This report discusses the process for preparing the Local Plan and highlights that Cabinet has approved a draft Local Plan for the purposes of conducting an initial non-

statutory public consultation to help in its production. The draft Local Plan represents an important stage in the overall preparation of a new Local Plan for the County and, whilst non-statutory, the consultation will help to shape the form and content of the new Local Plan, which will eventually be adopted by the Council. The views and feedback of the Scrutiny Panel are welcomed so that these can be taken into consideration in the preparation of the next version of the Local Plan

11. BACKGROUND PAPERS

11.1 None

12. APPENDICES

12.1 Appendix 1 - Consultative Draft Local Plan with accompanying appendices

12.2 Appendix 2 - Policies Maps

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