

# CABINET

30<sup>th</sup> October 2018

## RUTLAND LOCAL PLAN

### Report of the Strategic Director for Places

Strategic Aim:	Sustainable Growth	
Key Decision: Yes	Forward Plan Reference: FP/260718	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr G Brown Deputy Leader and Portfolio Holder for Environment, Finance, Planning and Property.	
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### DECISION RECOMMENDATIONS

1. That Cabinet considers this report setting out progress with the preparation of the Local Plan for Rutland and agrees to:
  - a. Fully consider consultation responses received;
  - b. Take account of the revised housing requirement and Government's proposed consultation on the methodology to determine what our "minimum" requirement will be and the subsequent implications for making appropriate and suitable allocations in the Pre-Submission Local Plan accordingly, noting that the timing of this consultation remains uncertain;
  - c. Consider the Woolfox Proposal to determine whether it is realistic and deliverable and if so undertake the appropriate site assessments, update the evidence base and consultation.
2. That Cabinet delegates to the Deputy Leader and Portfolio Holder for Environment, Finance, Planning and Property in consultation with the Interim Director for Places to agree the form and nature of any additional consultation which may be required to produce the Pre-Submission Local Plan with respect to the Woolfox Garden Village should the site be considered as a realistic and deliverable proposition.
3. That a revised Local Development Scheme is prepared for approval by Cabinet at the earliest opportunity

## 1. PURPOSE OF THE REPORT

- 1.1 Following reports presented to Cabinet in April (Report no: 71/2018) set out a revised timetable for the delivery of the Local Plan and in July regarding additional focussed consultations on the Local Plan (Report no: 134/2018). This report seeks to update Cabinet on progress with the preparation of the Local Plan and recommends the next steps to be followed. These recommended steps are intended to ensure that the plan is sound, positively prepared, justified, effective and consistent with national policy and legally compliant.

## 2. BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 Local Planning Authorities must prepare a Local Plan that sets out the local planning policies for their authority area. These policies are 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.
- 2.2 Government guidance requires that Local Plans must be positively prepared, justified, effective and 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).
- 2.3 In July this year, the Government published a revised National Planning Policy Framework. The timing of this overlapped with the additional focussed consultations on the Local Plan approved by Cabinet on 31<sup>st</sup> July and which were undertaken during August and September. Whilst the references in the focussed consultations to the draft NPPF have remained significantly intact, the Local Plan will need to fully take account of the revised NPPF to ensure its compliance to national policy. The Local Plan is being re-drafted accordingly.
- 2.4 In late September this year, the Office of National Statistics (ONS) issued the 2016 household projections for local authority areas. It is proposed that these should form the basis of calculating our minimum housing requirement for the Local Plan, although the Government has announced its intention to further consult on the standard methodology for calculating this minimum housing requirement. This consultation was expected to commence in September but is yet to start at the timing of writing this report. Planning consultants, Lichfields have analysed the latest household projections and applied the current standard method of calculating minimum housing requirement based on the current Planning Practice Guidance (Sept 2018). This can be found through this link to the internet: <https://lichfields.uk/content/insights/the-2016-based-household-projections-for-england>. Their research suggests that the “potential standard method figure” for Rutland should be **179 dwellings per annum** for the period 2018 to 2028, considerably in excess of both the current minimum requirement using the standard method of 130 dwellings and the Strategic Housing Market Assessment of 160 dwellings. Some caution needs to be exercised regarding this figure given the intended Government consultation on the methodology. The Local Plan needs to be based on the latest available population and household projections, and so we will need to consider the Government’s consultation prior to producing the Pre-Submission Local Plan under Regulation 19 of the Local Plans regulations.

- 2.5 Members will be aware of the additional focussed consultations undertaken during August and September. These have generated a high level of response (almost 1,750 response forms and letters about the Focussed Changes and a further 308 forms and letters about the additional sites). The Local Plan regulations requires that the Council “considers” all responses made through early engagement stages and will need to demonstrate how consultation responses have shaped the revised version of the Local Plan in a statement of community engagement. Work is ongoing to review all comments made through the consultations to ensure these are appropriately taken into consideration in producing the Pre-Submission Local Plan.
- 2.6 In the last hour of the focussed consultations prior to the closing of consultation, a proposal was submitted for the development of a Garden Village at Woolfox. Legal advice has been sought as to how the preparation of the Local Plan needs to consider and assess this proposal as to its deliverability and viability. Current National Planning Policy Guidance states that any proposals must be realistic and deliverable within the plan period, and so a first step is to examine available evidence to determine whether the Woolfox proposal might be considered as a “reasonable alternative” under the Sustainability Appraisal and Habitat Regulations Assessment requirements. If it is considered to be a realistic and deliverable proposal then the suitability of the site will need to be assessed on a sound and consistent basis to that undertaken for the St. Georges site.

### Next Steps

- 2.7 Given the outstanding issues set out above, there is considerable additional work and assessment required to be completed in order that a sound Local Plan can be recommended to Cabinet to approve for its statutory Regulation 19 consultation prior to submission to the Secretary of State. These include:
- Fully considering consultation responses received and demonstrating how they have shaped the next version of the plan;
  - Taking account of revised housing requirement and Government’s proposed consultation on the methodology to determine what our “minimum” requirement will be and the subsequent implications for making appropriate and suitable allocations in the Pre-Submission Local Plan accordingly, noting that the timing of this consultation remains uncertain;
  - Considering the Woolfox Proposal to determine whether it is a realistic and deliverable alternative, and if so then subsequently undertaking appropriate site assessments and consultationFully considering consultation responses received and demonstrating how they have shaped the next version of the plan;
- 2.8 At present, due to the nature and complexity of the remaining work to be undertaken, it is not possible to set a timescale for the completion of the Pre-Submission Local Plan. Officers will continue to strive to produce the Pre-Submission Local Plan as quickly as possible ensuring it can be considered to be sound, positively prepared, justified, effective and consistent with national policy. This will include that the plan is supported by appropriate evidence, including Sustainability Appraisal and Habitat Regulations Assessment as well as demonstrating effective joint working with neighbouring authorities on cross-boundary strategic matters as evidenced by appropriate statements of common ground.

- 2.9 Should it be determined that the proposal to develop a garden village at Woolfox as set out in Appendix 1 is realistic and deliverable, it may be considered appropriate to undertake further additional consultation under Regulation 18 of the Local Plan Regulations so that the views of the public and statutory organisations can be made. It is recommended therefore that Cabinet delegates the Deputy Leader and Portfolio Holder for Environment, Finance, Planning and Property in consultation with the Interim Director of Places Director to agree the form and nature of any additional consultation required with respect to the Woolfox Garden Village with respect to producing a Pre-Submission Local Plan.

### **3 CONSULTATION**

- 3.1 Three stages of consultation have already taken place on the Local Plan through the Issues and Options in 2015, the Consultation Draft in 2017 and the focussed consultations in 2018 regarding additional sites promoted for development as well a tailored consultation regarding the implications of incorporating the proposed garden village at St. George's into the Local Plan. A further specific consultation on the land promoted for development at Woolfox may be required to be undertaken under Regulation 18 of the Local Plans Regulations. The objective is to ensure that the Local Plan is found sound at examination. In addition to ensuring that the evidence base, particularly the Sustainability Appraisal and Habitat Regulations Assessment work which underpins the Local Plan process is undertaken appropriately to avoid potential legal challenge, a key element is also to ensure appropriate and timely community engagement in the evolution of the policies and proposals within the plan. There will be a subsequent opportunity for consultation on a full version of the Local Plan when it is published prior to its submission (the "Pre-Submission Local Plan") to the Secretary of State during 2019

### **4 ALTERNATIVE OPTIONS**

- 4.1 An alternative option would be to take forward the production of the Local Plan without considering the Government's proposed consultation on the standard methodology for housing requirements, without due consideration and assessment of the late submission of development proposals at Woolfox and without fully taking account of all consultation response. This has been rejected as there are significant risks that the Local Plan may be found to be unsound at examination. If the Local Plan is not found to be sound it will leave the County vulnerable to inappropriate unwarranted development proposals coming forward in an uncoordinated way.
- 4.2 Another 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 inevitably lead to direct Government intervention in the local planning process and 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 County, its communities, residents and businesses.

## **5 FINANCIAL IMPLICATIONS**

- 5.1 The estimated cost of the production of the Local Plan was included in the existing budget for 2018/19. Based on current projections, an additional cost of c£110k may be incurred either in 18/19 or the following year. This is still an estimate but is based on experiences elsewhere. The budget was prepared on the basis that the Local Plan would proceed to submission and examination without the requirement for the additional steps as outlined above and in the report to Cabinet in April. The recommended approach and timetable agreed by Cabinet in April 2018 will now be re-programmed, resulting in a significant proportion of these costs possibly falling in 2019/20, particularly the examination costs.

## **6 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 6.1 The Local Plan is required by statute and the Council's constitution 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 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 are requirement to consult with:

- specific consultation bodies which the Council considers have an interest in proposed local plan;
- general consultation bodies which the Council consider appropriate;  
*and*
- residents or other persons carrying on business in the authority's area which the Council considers 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 (SCI). The Council must also publicise its intended timetable for producing the Local Plan. This information is contained in the proposed Local Development Scheme (LDS) which authorities should publish on their web site and must keep up to date. The latest version of the LDS is on the Council's website [Local Development Scheme | Rutland County Council](#)

## **7. EQUALITY IMPACT ASSESSMENT**

- 7.1 An Equality Impact Assessment (EqIA) screening was prepared for the Consultation Draft Local Plan (2017) and will be updated as the Local Plan progresses to adoption by the Council. The screening report is available as a pdf alongside other evidence documents published with the Consultation Draft Local Plan at [Local Plan Review | Rutland County Council](#)

## **8. COMMUNITY SAFETY IMPLICATIONS**

- 8.1 Strategic Objective 6 of the Consultation 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 to be finalised in the Pre-Submission Local Plan.

## **9. HEALTH AND WELLBEING IMPLICATIONS**

9.1 Strategic Objective 5 of the Consultation 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 to be finalised in the Pre-Submission Local Plan

## **10. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

10.1 This report sets out the implications for the Local Plan regarding :

- The new National Planning Policy Framework;
- The new 2016 household projections and the Government’s intention to consult on a revised standard methodology for calculating the minimum housing requirement;
- The late submission to propose a Garden Village at Woolfox;
- All aspects of public consultation.

10.2 The next stage in the process of preparing the Local Plan will be the publication of Pre-Submission Local Plan. Given the additional work required to produce this, the timetable for production of the Local Plan is uncertain and it is recognised that the Regulation 19 statutory consultation may now have to be delayed until after the local government elections in May, prior to submission to the Secretary of State.

## **11. BACKGROUND PAPERS**

11.1 None

## **12. APPENDICES**

12.1 Appendix 1 – Proposal submitted with respect to Woolfox

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