

Questions from Cllr Begy:

1. How can the portfolio holder demonstrate to me that the full local plan process has been adhered to and any legal challenge will not find fault? Has legal advice been taken on the plan process?

The evidence base which underpins the Local Plan has been commissioned by the Council using technical specialists who are recognized as experts in their fields. The plan has been written by a professional planning team comprising experienced and dedicated officers who have considered the implications and recommendations of all of the technical evidence to prepare a plan which is considered to be sound in accordance with the tests set out in the NPPF.

The development of the Local Plan has included appropriate legal advice at each step including the process followed to date and are confident that the legal compliance stage has been fully complied with.

The potential for legal challenge is always a possibility and not something we can prevent. We can however, mitigate and reduce the risk of a successful challenge. The legal challenge process looks at procedural issues in terms of how decisions are made and whether the decision made is reasonable and proportionate. It is important therefore that we put the Council in the best position to defend any such challenge by demonstrating that both the process it has followed is in accordance with the law and that the decisions it has made are reasonable and proportionate in light of all evidence before us. The Examination in Public process is designed to consider these issues as part of the process. The Statutory process does however also includes a 6 week legal challenge period after the decision to adopt a plan, following Examination in Public. This period provides the opportunity for people to challenge the Examination process and the Inspectors decisions – again on the same basis (procedural and reasonableness and proportionate decisions in light of evidence available). It is possible therefore that the decision to adopt the plan could be challenged. Any challenger would however have to demonstrate they have an arguable case in order to have the case heard.

2. A recent letter from the Woolfox bid quotes from EXEMPT papers which are commercially sensitive. How has this happened and what steps are being taken to seek redress?

The paper is not exempt and is on the St George's web site.

3. If the HIF fund does not cover the total cost of the infrastructure how will the short fall be met?

The HIF is not designed to fund all of the infrastructure required to deliver development – it is to fund the gap in normal development costs, S106 and CIL funding. The Local plan has been subject to a whole plan viability study. This includes assumptions for normal development costs (so site preparation and construction costs, fees, developers return etc plus CIL and S106 costs) (Covered by Chapter 7 of the Viability Update Report Dec 2019) This has assumed a S106 contribution of £26,000 per unit for S106 contributions in addition to full CIL payment estimated to be in region of £16 mil. This is in addition to HIF funding.

4. Why are we so confident that SGB has no impact on the Rutland Water RAMSAR?

The HRA appropriate Assessment has been prepared on behalf of the Council by Wood Environment and Infrastructure Solutions who are technical experts within this field. They have followed the statutory process for undertaking an AA and have liaised with Natural England on both the screening and Appropriate Assessment stages of this work. The conclusions of both the Wood work and the correspondence with NE have influenced the wording included within the policies in the Local Plan. The work provided by Wood demonstrates that the plan is sound and legally compliant. Wood will provide their technical experts to support the Local Plan team at examination.

5. Why is Woolfox not viable? I have read their viability statement which suggest otherwise? What difference will the promised new submission on 18/2 have? Has their viability study taken in to account things such as the minerals/limestone underlying the site, and the fact only a % is brownfield, and the rest open countryside with many landscape considerations?

The viability work provided by the Woolfox site promoters is not new information – this was included with the evidence submitted in April 2019. This viability work was shared with our consultants at AECOM (who prepared the Infrastructure Costs Assessment paper which was the EXEMPT item on the agenda in December) and HDH who have prepared our viability evidence. Both have commented that this statement did not include costs for a number of critical infrastructure (such as sufficient school places) and were light in terms of estimated costs. As a result AECOM had to prepare their own costings (using their model) to determine what these costs were likely to be. This work then fed into the viability note – Strategic Sites Oct 2019 . The additional work promised for 18th February is unlikely to make a difference to this work as it only concerns a funding mechanism for the new bridge for the new junction onto the A1. It is

interesting that they suggest that this new junction which is estimated to cost £20 million will be funded 50% by a new Trunk Road Service Area (located where? adjacent to Exton Park Registered Park and Gardens or the proposed Garden village or both sides of the A1) and 50% by the development of 500 homes - this scale of development is unlikely to deliver sufficient funding for a £10 million pound junction contribution plus the need to provide new school and other community facilities on site to enable a sustainable new community to be developed.

The critical gaps in evidence remain – notably Mineral Resources report; robust landscape assessment; satisfactory traffic assessment which meets the requirements of both Highways England and RCC Highways.

Officers have sought to work with the site promoters over the last 18 months to ensure that the correct and robust evidence has been available – most recently we met with their whole team in October (25th October) 2019 and outlined the shortcomings in their current proposal offering to enable discussion with the Council’s Landscape and transport consultants to rectify the shortcomings with the landscape and traffic evidence – however no contact has since been made. It is important to note that officers initially provided the site promoters with a clear list of the evidence required to enable them to assess the proposal in a fair and comparable way to the St George’s proposal in October 2018. They were provided with an extend deadline to deliver this evidence by February 2019. When an evidence folder was presented to the Council in April 2019 it lacked the critical evidence relating to minerals and the evidence relating to landscape, viability and transport was found to be unsubstantial. These concerns have still not been addressed.

6. Why do you feel the SGB employment land is attractive to potential employers? What is being undertaken to secure the employment opportunities?

Our own independent market research demonstrates there is positive market sentiment for employment provision and business accommodation. Plans for the employment land remain at an early concept stage and will continue to be refined and develop in response to the market.

7. What is the financial risk to RCC of a legal challenge and has any contingency been formed? Would this put a strain on our 5 year land supply?

The local plan budget already includes provision for legal cost to cover both the Examination and any potential legal challenge. It is important to note that a legal challenge could be lodged about any element of the plan and is therefore a normal risk in the plan making process

8. What are implications of SGB dates moving? I.e. move out a year later, or not at all?

Housing delivery for the first 7 years of the local plan period is provided by other sites and the housing trajectory shows that there are at least 9 years before the development at St George's will be relied upon for the 5 year housing land supply. There is a national requirement to review local plans every five years, however policy IMP2 commits us ongoing monitoring and indicates when an early review is necessary. Should it become apparent that a delay is expected the provisions of policies IMP1 and IMP2 of the Local Plan will apply.

9. IF, and I say IF, SGB goes ahead, can I confirm infrastructure such as schools, doctors, roads etc. will go in upfront and how is this viable at the early stages of development?

Policy H2 requires a detailed masterplan to be prepared and approved by the local planning authority prior to the consideration of a planning application, this requires the provision of a range of community facilities H3 3) and a phasing plan H3 10) which ensures that the on and off site infrastructure is provided ahead of or in tandem with the development it supports. In addition Policy H3 set out that planning applications must be in accordance with the masterplan approved under policy H2 and must meet 18 criteria which includes the need for these community facilities H3 c) and d) and the need for all on and off site infrastructure to be delivered in a timely manner H3 r) as set out in a phasing plan. The proposed policies and approach to the St. George's development in the Local Plan is considered sound. The existing school at Edith Weston has the capacity to accommodate additional pupils arising from initial phase of housing development and this will be considered as part of determining a phasing plan required by these policies.

The award of HIF funding covers initial infrastructure and site works which in itself will unlock development funding to deliver the key community facilities in the first phase of development – it is not expected that the community facilities will be the only things built in the first phase – as with the employment land there is a need to ensure that some homes are also built in the same first phase to ensure that there are some children to go to the school and patients for the health centre and people to make the shops viable. If there are no homes these facilities will not function.

10. It has been suggested we roll back to the 2017 plan? Why can we not do this?

Having reviewed and reassessed all potential site options there are no longer sufficient suitable sites available – particularly within Oakham. In particular one large site (south of Burley Road has been withdrawn by the land owner and another large site (land south of Brooke Road) is significantly constrained by highway constraints at the level crossing.

Many of the sites allocated in the 2017 draft plan were large sites (70 + houses) on the edge of the Local Service Centres – these sites are sensitive in landscape terms and objection to the scale and location of them were made at 2017 consultation

11.9.100 mentions economic development as a potential desired outcome of regeneration, but it is not listed in M10. Is therefore development in terms of having employment not a desired outcome?

Economic development is mentioned in the last sentence of Policy MIN10

12. IMP1 states a min housing requirement of 110. Is this simply a typo?

Yes, this is to be corrected to read 130.