

COUNCIL

27th January 2020

RUTLAND LOCAL PLAN

Report of the Strategic Director of Places

Strategic Aim:	Sustainable Growth	
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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Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Council:

- 1) Approve the Pre-Submission Local Plan (Regulation 19 Publication Version) with the Policies Map so that it can be published for its statutory 6-week stage;
- 2) Support the Local Plan to be Submitted (Regulation 22) to Government for its Independent Examination in Public, unless any unforeseen and significant issues arise post Publication that would require re-consideration of the Local Plan. It is proposed that any non-material minor amendments (such as typographical, mapping, formatting, desktop publishing and design of the Local Plan) deemed necessary before the Local Plan is Submitted and during the Examination period will be delegated to, and made by, the Strategic Director of Places in consultation with the Local Plan lead Cabinet Portfolio Holder;
- 3) Agree that the Strategic Director of Places, in consultation with the Local Plan lead Cabinet Portfolio Holder, be authorised to request that the Local Plan Inspector recommends any main modifications to the Submission version of the plan (if necessary) in order for the plan to be legally compliant and found sound in accordance with Section 20(7c) of the Planning and Compulsory Purchase Act 2004; and
- 4) Following this, that the same authority is given for making any main and additional modifications as part of the examination process and undertaking consultation on any such main modifications and consequential changes to the Submission version of the Local Plan so that a post-Examination Adoption version can be finalised in advance of taking the Local Plan back to Full Council for approval to be adopted.

1. PURPOSE OF THE REPORT

- 1.1 This report aims to update Council on progress with the preparation of the Local Plan and requests that Council approves the Pre-Submission Local Plan (Regulation 19 Publication Version) so that it can be published for its statutory 6-week stage, alongside other recommendations for dealing with the submission and examination of the Local Plan. The recommendations are intended to ensure that the plan is sound by being positively prepared, justified, and effective, as well as being consistent with national policy and being legally compliant.
- 1.2 This report has been considered at the meeting of the Growth, Infrastructure and Resources Scrutiny Committee held on 16th January 2020 and the Cabinet meeting held on 21st January. Any comments made at the meetings will be reported verbally to Council.

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. Once adopted, the Local Plan will form part of the Development Plan for Rutland. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 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), the National Planning Policy Framework (NPPF) 2019 and relevant national Planning Policy Guidance.
- 2.3 This report briefly summarises the next stage of the Local Plan process which is known as 'Publication' in line with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The Rutland Local Plan 2018-2036 (Regulation 19 Publication Version) is appended to this report (Appendix 1) alongside an electronic link to the accompanying Policies Map for reference (Appendix 2).
- 2.4 Key site allocations and policies for housing, employment and the environment are set out in the plan. The publication of the local plan is a very significant step as the this version, when approved by Council, represents the Council's proposed planning policy and so has some "weight" in decision making. Paragraph 48 of the NPPF states that: "Local planning authorities may give weight to relevant policies in emerging plans according to:
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

- 2.5 The Pre-Submission publication version of the Local Plan must be published for 6 weeks to allow for Representations to be made by any interested parties. This is a statutory stage, with any duly made representations received by the Council at the end of the period for representations submitted (Regulation 22) to the Government alongside the Local Plan and the supporting evidence base. This will then be the subject of the Examination in Public conducted by an independent Planning Inspector.
- 2.6 A Council resolution is required before the Publication version can be published for the statutory stage. Subsequent indicative timescales are then set out to see the Local Plan through to Adoption in 2021 (which will require another Full Council decision) before it can be used fully to determine all future planning applications. Council will need to determine that the plan is considered to be sound, appropriate, legally compliant and therefore suitable for submission. Once submitted to the Secretary of State, the timetable for adoption will be dependent on the Planning Inspectorate Service.

What does this mean for the citizens of Rutland?

- 2.7 Having an up-to-date Local Plan will ensure we are planning for enough new homes and jobs for both the current and future citizens of Rutland and provide certainty for where investment and development is being planned over the next 15+ years. As well as how much development, the Local Plan will help ensure it is the right sort of development in the most appropriate locations to meet the housing and economic growth needs of the County in a sustainable manner, including help to provide a much needed supply of new affordable homes. Policies will ensure that we not only see the development that is required, but that it is also of a sufficiently high quality and help raise the level of design across Rutland to the benefit of everybody. Protection is provided to our much-valued greenspaces, biodiversity and heritage assets, countryside and natural environment. Policies seek to help make the County more resilient in the future from the challenges presented by climate change, which has the potential to impact negatively on all of our citizens. The plan also ensures there is a sufficient supply of minerals resources and adequate provision is made for waste management to support development growth and infrastructure projects.

What is the Rutland Local Plan 2018-2036?

- 2.8 The Local Plan will be the new Development Plan for the whole County of Rutland containing both strategic and detailed planning policies and proposals to guide the future of development over the next 15+ year plan period to 2036. When adopted, it will be used to determine all future planning applications, alongside national planning policy, and any Neighbourhood Plans that have been prepared in line with the Localism Act, plus any other material planning considerations. It will replace the Rutland Core Strategy, Site Allocations and Policies DPD and the Minerals Core Strategy. Any Neighbourhood Plans being prepared (or reviewed) in the near future will need to be in general conformity with the strategic policies contained in the Local Plan.
- 2.9 The Local Plan deals with the full range of planning policy themes (housing, employment, retail, design, transport, community facilities, countryside, biodiversity, heritage, minerals and waste, etc). More specifically, the Local Plan includes:
- a portrait of the County as it is now, its development needs and challenges;
 - a vision of what it could be like in the future;
 - and a set of objectives to achieve this;

- a list of proposed development sites (known as “allocations”) for new housing, employment, minerals and other development to meet the County’s assessed needs;
- a set of strategic and detailed policies that will guide development and investment decisions across the County and be the starting point for decisions on future planning applications; and,
- a Policies Map of the County that will show the location of the development site allocations and define the boundaries of towns and villages, employment areas, town and local service centres, countryside, green spaces, conservation areas, wildlife sites, areas for mineral extraction, and so on.

Why does Rutland need a Local Plan?

- 2.10 Local Authorities are required by legislation to prepare a Local Plan to set the local planning framework for their area. The current Local Plan adopted in 2011 was intended to cover the period until 2026. There is a need to ensure the plan is up to date through a review of the Plan. Failure to have an up to date local plan in place limits the Council’s ability to influence the quantum, location and quality of development in its area. The Government have made clear that they expect Councils to have a local plan in place, and may intervene where local planning policy is deemed to be out of date.
- 2.11 An up-to-date Local Plan is essential to provide clarity to communities and developers about where development should be built and where not, so that growth is planned rather than the result of speculative planning applications. Lack of certainty for the development industry can lead to decisions not to invest in the County and displacement to adjacent market areas where the policy position may be clearer. Without a Local Plan, planning in the area will be determined in line with national planning policy’s much-heralded presumption in favour of sustainable development. This provides a “tilted balance” in favour of granting planning permission, unless the proposal causes significant and demonstrable harm which may lead to development taking place in unplanned, unwanted locations.
- 2.12 The Local Plan also offers the opportunity to ensure that the Council is able to demonstrate a 5 year housing supply as well as continuing to deliver an adequate housing supply using the most appropriate and sustainable sites as in accordance with the Housing Delivery Test in the NPPF.
- 2.13 The draft Pre-Submission Local Plan is set out in Appendix 1 of this report. This is accompanied by the Policies map which is available on the website [Local Plan Review - pre-submission-local-plan-papers](#) and as Appendix 2.
- 2.14 The preparation of the Local Plan has been informed by a comprehensive evidence base, much of which is already published. This includes Sustainability Appraisal (Appendix 3 sets out the latest draft) and Habitats Regulations Assessment Appropriate Assessment (Appendix 4 sets out the latest draft) which are legal requirements. Rutland County Council has also met the legal requirements to positively engage with neighbours and partners under the Duty to Co-operate. Through this, we can demonstrate we have sought to discuss strategic cross boundary issues with our neighbouring authorities as well as being sufficiently engaged with other prescribed bodies such as the statutory consultees.

What are the next steps to progress the Rutland Local Plan?

- 2.15 Subject to no significant issues arising through the following stages, then members of the Cabinet are asked to note and support the following timetable through to Full Council and beyond to Adoption (which will be the next and final time the plan is taken to Full Council, assuming no major new issues arise before then). It should be noted that this is a guide and beyond Submission of the Plan to the Government, the process will be led by the independent Planning Inspector:
- January 2020: Full Council;
 - February 2020: Publication (Regulation 19) - statutory 6 week period;
 - May/June 2020: Submission to Government (Regulation 22);
 - Late Summer/Autumn 2020: Examination;
 - Early 2021: Inspector's Report & Adoption of the Local Plan (Full Council decision), depending on the need for any main modifications.

Infrastructure Delivery Plan

- 2.16 The Local Plan will be supported by an Infrastructure Delivery Plan (IDP). Its primary purpose is to identify the infrastructure considered necessary to support the development proposed in the Local Plan, and as such the current draft IDP is being updated to take account of the policies and proposals set out in the Local Plan. The revised IDP will play a key role in the examination of the Local Plan in demonstrating that planned growth can be accommodated in a sustainable manner, through the timely and coordinated delivery of critical and strategic infrastructure. The IDP also forms an infrastructure planning tool which can be used as a framework to guide decision-making on infrastructure delivery. The IDP is not required to inform the policies and proposals set out in the Local Plan and as such does not require specific approval from Council. A draft IDP was prepared and updated in 2019 and whilst the emerging IDP has been used to inform the preparation of the Local Plan it cannot be finalised until the proposals in the Local Plan are confirmed. Therefore, a revised version of the IDP will be published to coincide with the statutory consultation on the Local Plan. It is important to note that infrastructure planning is an iterative process and the precise nature of infrastructure needed to support future development is influenced by a range of factors and arrangements that change over time. The provisions of the IDP will be affected by the implementation of development proposals. It is important, therefore that the Council continues to monitor and update the IDP during the course of the plan period.

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 as a tailored consultation regarding the implications of incorporating the proposed garden community at St. George's into the Local Plan. The objective is to ensure that the Local Plan is found sound at examination and is compliant with national policy and legal requirements.

- 3.2 Summaries of the consultation responses received through each of these previous consultations are provided on the website. Appendix 5 of this report is the Schedule of Main Issues and Officer Responses to consultation on the Consultation draft Local Plan in 2017; the Additional Sites consultation 2018; and the Focussed St George's consultation undertaken in 2018. These tables demonstrate how community engagement has been used to inform and update the Pre-Submission Local Plan.
- 3.3 There will be an opportunity for formal representations on the attached version of the Local Plan (the "Pre-Submission Local Plan") when it is published following consideration by Council.

4 ALTERNATIVE OPTIONS

4.1 At this relatively advanced stage of the process (Regulation 19) it is considered that there are only really two options now available for the Local Plan, as follows:

- Option 1 (Recommended): Agree that the Pre-Submission Local Plan Publication Version (Regulation 19) should proceed for a full resolution by Full Council to publish the draft Local Plan for the statutory period of 6 weeks followed by Submission (Regulation 22) to Government for Examination, subject to no major significant issues being raised following the period for Representations to be received. Publication allows for any interested parties to provide Representations on whether the plan has been prepared in accordance with the relevant legal and procedural requirements and that the plan meets the tests of soundness (being: positively prepared; justified; effective; and, consistent with national policy).
- Option 2 (Not Recommended): Do not agree the Local Plan Publication Version should proceed to Full Council. This would leave the County vulnerable to speculative, unplanned-for development proposals and to the risk of Government intervention in the preparation of a new Local Plan.

4.2 Option 1 is recommended to ensure timely progress can be made with the Local Plan by moving forward with the next key statutory stage in the process. Reasons for the need to progress the Local Plan have been clearly set out in the main body of this report. Once at Publication stage, the Local Plan starts to carry a greater level of material weight in the determination of planning applications and reduces the likelihood of government intervention as progress will be demonstrated.

5 FINANCIAL IMPLICATIONS

5.1 The estimated cost of the production of the Local Plan was included in the existing budget for 2019/20. Costs associated with the independent examination of plan will now fall in 2020/21 and additional provision of £195,000 has been included in the 20/21 draft budget. This amount is an estimate. In addition, growth from proposed sites will inevitably impact upon the level of Council Tax and Community Infrastructure Levy collected by the authority, and this is already built into the Council's Medium Term Financial Plan (MTFP).

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. Preparation of the plan is however a responsibility of the Cabinet. Before

the draft Local Plan can be considered for adoption, the process for preparing the Local Plan 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).

- 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. An updated LDS was published in December 2019 following approval by Cabinet.
- 6.3 Local Authorities are required by legislation to prepare a Local Plan to set the local planning framework for their area. The current Local Plan adopted in 2011 was intended to cover the period until 2026. There is a need to ensure the plan is up to date through a review of the Plan. Failure to have an up to date local plan in place limits the Council's ability to influence the quantum, location and quality of development in its area. The Government have made clear that they expect Councils to have a local plan in place.
- 6.4 The Neighbourhood Planning Act 2017 provides for intervention in the local plan making process. In November 2017, the Government confirmed that it would use these powers to intervene in the case of 15 Councils who failed to meet their deadlines for publishing local plans. The Secretary of State went on to say, "the remaining authorities who are not making progress on their plan-making and fail to publish a plan for consultation, submit a plan to examination or to keep policies in plans up to date are on notice that consistent failure to make sufficient progress will no longer be tolerated. My Department will begin formally considering the case for intervention as deadlines are missed". As a consequence, the threat of intervention into Rutland's Local Plan would be more immediate than previously anticipated should the Council fail to make progress towards submitting a plan for examination by a Local Plan Inspector.
- 6.5 The Council has produced the Pre-Submission version of the Plan in line with the statutory requirement to do so. The version of the Plan to be considered by Council will be the version that the Council intends to submit to the Secretary of State for independent Examination, prior to it being formally adopted. The Council is required by statute to invite representations on the Proposed Submission Documents (i.e. the Plan, the Sustainability Appraisal and other relevant supporting documents) over a 6 week period prior to Submission to the Secretary of State. These representations should be on matters of soundness and legal compliance only, as these are the only matters the Inspector can consider at the Examination.
- 6.6 The Local Plan Inspector, whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, must regard the Local Plan as sound. The soundness tests (as set out in the NPPF 2019) are as follows:
 - **Positively prepared** – provides a strategy which, as a minimum, seeks to meet the areas 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;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

- **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
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

6.7 Should the Inspector be concerned whether any of the above tests are satisfied during or prior to examination, then he/she may decide that the examination cannot be completed without additional work being undertaken (such as the need for further sustainability appraisal of alternative options), this may necessitate consideration of a suspension of the examination or withdrawal of the Plan.

7. CLIMATE CHANGE IMPLICATIONS

7.1 Section 9(1A) of the Planning and Compulsory Purchase Act 2004 provides that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

7.2 The Local Plan aims to promote sustainable growth and investment in Rutland for the period up to 2036. The Plan is subject to a Sustainability Appraisal, including Strategic Environmental Assessment and will be accompanied by a Habitat Regulations Assessment. All of these include within them consideration of how the plan and the proposals within it contribute to reducing the effect of climate change. The emerging plan covers key climate change objectives within the vision and the Strategic Objectives and include a range of policies to meet that objective.

8. DATA PROTECTION IMPLICATIONS

8.1 A data protection impact assessment has not been completed as there are no data protection implications.

9. EQUALITY IMPACT ASSESSMENT

9.1 An Equality Impact Assessment (EqIA) screening was prepared for the Consultation Draft Local Plan (2017) and has been updated; this process will continue as the Local Plan progresses to adoption by the Council. The latest screening report is available as a pdf alongside other evidence documents published with the Consultation Draft Local Plan at [Local Plan Review - pre-submission-local-plan-papers](#)

10. COMMUNITY SAFETY IMPLICATIONS

10.1 Strategic Objective 7 of the Pre-Submission 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.

11. HEALTH AND WELLBEING IMPLICATIONS

11.1 Strategic Objective 6 of the Pre-Submission 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.

12. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 Officers consider that the attached Local Plan is sound, positively prepared, justified, and effective, as well as being consistent with national policy and legally compliant. In this regard, it should be noted that the revised NPPF (2019) revised the tests of soundness so that the Local Plan should be 'an appropriate strategy', and not 'the most appropriate strategy' as set out in the previous NPPF.
- 12.2 Council is therefore requested to approve the Pre-Submission Local Plan (Regulation 19 Publication Version) so that it can be published for its statutory 6-week representation stage, alongside other recommendations for dealing with the submission and examination of the Local Plan.

13. BACKGROUND PAPERS

- 13.1 A full list of the evidence base used to prepare the Local Plan is set out on the Council's website.
- 13.2 In addition, the background papers to this report including the summaries of each stages of consultation undertaken in preparing this Local Plan. These are all available using the links on the Council's Local Plan Review webpage:
<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/planning-policy/local-plan-review/>

14. APPENDICES

- 14.1 Appendix 1: Rutland draft Pre-Submission Local Plan
- 14.2 Appendix 2a: Rutland Local Plan draft Policies Map
Appendix 2b: Rutland Main Map – side1
Appendix 2c: Rutland Main Map – side 2
- 14.3 Appendix 3a: Rutland Local Plan draft Sustainability Appraisal
Appendix 3b: Rutland Local Plan draft Sustainability Appraisal – Technical Annex
- 14.4 Appendix 4: Rutland Local Plan draft Habitat Regulations Assessment
- 14.5 Appendix 5: Schedule of Main Issues and Officer Responses (arising from consultation in 2017 and 2018)

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