

## GROWTH, INFRASTRUCTURE AND RESOURCES SCRUTINY COMMITTEE

11 June 2020

### LOCAL PLAN – UPDATE ON TIMETABLE AND CONSULTATION

#### Report of the Interim Strategic Director for Places

Strategic Aim:	Sustainable Growth	
Key Decision: No	Forward Plan Reference: FP/150520	
Reason for Urgency:	N/A	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr G Brown, Deputy Leader and Portfolio Holder for Planning, Environment, Property and Finance.	
Contact Officer(s):	Penny Sharp, Interim Strategic Director for Places	01572 758160 psharp@rutland.gov.uk
	Roger Ranson, Planning Policy Manager	01572 758278 rranson@rutland.gov.uk
Ward Councillors	All	

#### DECISION RECOMMENDATIONS

That the Growth, Infrastructure and Resources Scrutiny Committee reviews and makes comment on

- 1) A revision to the Local Development Scheme (LDS), as set out in Appendix 1, to reflect the proposed updated timetable for the Local Plan *and*
- 2) the draft review of the Statement of Community Involvement, as set out in Appendix 2 of this report.

## **1 PURPOSE OF THE REPORT**

- 1.1 The Growth Infrastructure and Resources Scrutiny Committee is requested to consider the revision to the Local Development Scheme before it is submitted to Cabinet for approval. The revision is in order to provide an updated timetable for the Local Plan taking account of the delay caused by the Covid19 situation.
- 1.2 This report also asks the Committee to comment on the plan to review the Statement of Community Involvement (SCI) in order to encompass statutory changes to planning regulations for policy making, neighbourhood planning and development management and to allow national guidance in relation to Covid 19 to be incorporated into the SCI. These changes will ensure that the planning function can continue to operate within current restrictions. Review of the SCI at this time will also allow progress with the Local Plan consultation, enabling the Regulation 19 consultation (and subsequent stages) regarding the Local Plan, approved by Council in February 2020, to take place.
- 1.3 Supporting the continuity of the planning function in the County will in turn aid the recovery of the local economy and the economic resilience of the County by providing greater certainty and confidence for future investment and development.
- 1.4 The SCI is not a development plan document and there is no statutory requirement to consult on it, however it is considered good practice to undertake informal consultation on the proposed changes and therefore Cabinet will be asked to approve the draft review for a four week consultation. It is proposed that the consultation on the revised SCI will run from Friday 19<sup>th</sup> June to Friday 17<sup>th</sup> July 2020.

## **2 BACKGROUND AND MAIN CONSIDERATIONS**

- 2.1 The Local Plan was approved for its statutory Regulation 19 consultation at the meeting of Council held on 10<sup>th</sup> February 2020. There have been some subsequent minor changes to the wording of the plan since that date approved under the responsibility delegated by Council to the Director of Places in consultation with the portfolio holder for Environment, Finance, Planning and Property.
- 2.2 The consultation was planned to commence on Tuesday 24<sup>th</sup> March. However, the Council took the decision to postpone the launch of this public consultation under Regulation 19 on its Draft Local Plan in response to Covid-19 until further notice.
- 2.3 In undertaking this stage of the Local Plan consultation, the Council needs to comply with Regulation 35 (1) of the Local Plan Regulations regarding the availability of documents. This specifies that a document is to be taken to be made available by a local planning authority when it is:
  - (a) made available for inspection, at their principal office and at such other places within their area as the local planning authority consider appropriate, during normal office hours, *and*
  - (b) published on the local planning authority's website.

- 2.4 In addition, Section 19(5) of the Planning and Compulsory Purchase Act 2004 provides that in the preparing the local development documents the authority must comply with their Statement of Community Involvement (SCI). Paragraph 4.1 of the current adopted SCI for the Council includes as the method of consultation "making information available [in] the Council's Offices, the libraries and on the website for a minimum of six weeks". Based on this, if either the offices or libraries (i.e. any or either) are closed down such that the minimum six week period is not achieved, then there will not have been compliance with all of the provisions of the SCI.
- 2.5 The decision to postpone the public consultation was therefore taken because neither the statutory or local requirements for this consultation set out in the current SCI would be achievable. This decision was made on the basis that it would be being kept under review until such time as it is appropriate to begin the consultation, taking account of any Government guidance.
- 2.6 A Written Ministerial Statement (HCWS235) was made by Robert Jenrick, Secretary of State for the Ministry of Housing, Local Government and Communities on 13<sup>th</sup> May 2020. Regarding digital documentation, this states;

*"The effects of COVID-19 mean that it is not always possible to access public buildings. As a result, access to planning documents by making them physically available for inspection at local libraries, council offices etc, is now not available. During these exceptional circumstances, the Government considers that online inspection of documents should be the default position across all planning regimes, and it is actively exploring all options to achieve this. The Government recognises there are sections of the community with limited or no access to the internet and authorities and developers should take reasonable steps to ensure those without access are involved and consider alternative and creative ways to achieve this where possible. This could for example, include sending out documents by CD or USB stick where this meets the needs of those requesting such documents. As restrictions are eased, planning authorities and others should integrate the range of methods that are available to them into their approaches to ensure all sections of the community are reached as thoroughly as is practically possible."*

- 2.7 This has been supplemented by more detailed guidance published by the Government. This sets out:

***How should local planning authorities respond to the coronavirus (COVID-19) pandemic when progressing local plans?***

*The government has been clear that all members of society are required to adhere to guidance to help combat the spread of coronavirus (COVID-19). The guidance has implications for local authorities and local plan-making, including how the public are engaged and the ability of authorities to comply with policies set out in their Statements of Community Involvement. This planning guidance focuses on how local authorities can review and update their Statements of Community Involvement and should be read in parallel with existing guidance on Plan-making, including paragraphs 34, 35 and 71. If there is any conflict, this guidance supersedes current Plan-making guidance until further notice.*

*Paragraph: 076 Reference ID: 61-076-201200513*

Revision date: 13 05 2020

## **Statement of Community Involvement**

### **Should the Statement of Community Involvement be reviewed and updated in response to the coronavirus (COVID-19) pandemic?**

*Where any of the policies in the Statement of Community Involvement cannot be complied with due to current guidance to help combat the spread of coronavirus (COVID-19), the local planning authority is encouraged to undertake an immediate review and update the policies where necessary so that plan-making can continue.*

*Paragraph: 077 Reference ID: 61-077-201200513*

*Revision date: 13 05 2020*

### **How can a Statement of Community Involvement be reviewed and updated to comply with COVID-19 guidance?**

*Local planning authorities will need to assess their Statements of Community Involvement to identify which policies are inconsistent with current **guidance on staying at home and away from others** or any superseding guidance. This could include, for example, holding face-to-face community consultation events or providing physical documents for inspection.*

*The local planning authority should then make any temporary amendments that are necessary to allow plan-making to progress, and that continue to promote effective community engagement by means which are reasonably practicable. Local planning authorities are strongly encouraged to use online engagement methods to their full potential. Appropriate methods include virtual exhibitions, digital consultations, video conferencing, social media and providing documents for inspection on a public website. Authorities will also need to take reasonable steps to ensure sections of the community that don't have internet access are involved and consider alternative and creative ways to achieve this. Authorities may wish to consider engaging sections of the community, that do not have internet access, through representative groups rather than directly, targeting only people in areas most affected by proposals, and allowing individuals to nominate an advocate to share views on their behalf. Consulting by telephone or in writing can also be used where this is feasible and alternatives can't be identified. Opportunities to combine public consultations can be explored so that offline methods can be made more cost effective.*

*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. It is also good practice to make clear that the changes are only temporary whilst restrictions relating to COVID-19 are in place. However, where a local planning authority has made a pledge in their Statement of Community Involvement to consult on any changes, they may wish to take independent legal advice on how best to proceed.*

*Paragraph: 078 Reference ID: 61-078-201200513*

*Revision date: 13 05 2020*

- 2.8 In introducing these revisions, the Minister has highlighted that the planning system has a vital role to play in enabling the delivery of housing and economic growth that

will support the UK's economic recovery. It is important that the system continues to operate effectively, ensuring that all those involved, including local authorities, the Planning Inspectorate, developers, statutory consultees, local communities and others can engage in the process while adhering to the Government's guidance on social distancing. This Statement sets out the Government's expectations for how the planning system should be operating during the COVID-19 emergency. It applies to applications and appeals under the Town and Country Planning Act; Development Consent Orders under the Planning Act 2008; the Compulsory Purchase Order regime and to development plans, including neighbourhood plans and spatial development strategies. Local planning authorities and the Planning Inspectorate are therefore expected to drive the planning process forward and should ensure that it continues to operate effectively to support economic recovery. Moving to digital events and processes will be critical.

2.9 There is a strong imperative for the Council to respond to the consequences of the unprecedented situation we currently face in terms of the economic resilience of the County and the need to support the recovery of the local economy. One of the key measures that the Council can take to support this objective is to maintain progress with the Local Plan in order to provide greater certainty and confidence for future investment and development in the County.

2.10 Postponement of the Regulation 19 consultation has delayed the local plan timetable. It is a requirement of the process to keep the Local Development Scheme up to date it is therefore proposed to revise the timetable for the Local Plan accordingly and this is set out in an amended Local Development Scheme, as appended as Appendix 1 of this report. In summary, the current anticipated timescales for the remaining stages to Examination are as follows:

<b>Remaining stage</b>	<b>Proposed date</b>
Regulation 19 consultation	Fri 17 <sup>th</sup> July 2020- Fri 28 <sup>th</sup> August 2020*
Consideration of Representations & preparation of submission documents	Sept - Nov 2020
Submission to Secretary of State	December 2020
Examination	April – May 2021
* Consultation dates are indicative only and are predicated on the Council's ability to provide public access to their principal offices in Oakham for the consultation documents to be inspected during normal office hours	

2.11 If approved by Cabinet, this version of the Local Development Scheme will replace the one approved by Cabinet at its meeting held in December 2019. The revised LDS will be published on the Council website with immediate effect.

2.12 In order to provide the opportunity to progress the Local Plan and taking account of recent guidance, a review of the current SCI has been undertaken. The effect of this review is to delete a minimum requirement set out in paragraph 4.1 and Appendix 1 of the current SCI for libraries to be deposit locations for the inspection of the Local Plan and associated documents during the course of the Local Planning Regulation 19 consultation and subsequent stages in the plan making process. In addition, further measures are set out in the appendix to the SCI to outline proposals to encourage engagement during the current situation related to Covid-19. The draft

reviewed SCI is attached at Appendix 2 to this report for the consideration of the Committee.

- 2.13 Adoption of the SCI Review, which takes account of the above announcement and national guidance, will allow for the statutory consultation on the Local Plan, pursuant to Regulation 19 to take place. It is proposed that this consultation will be for a six week period. The exact dates are still to be finalised, although a draft timetable of the anticipated consultation dates are set out above. The intention will be to start the consultation as soon as practically possible once a decision is made. Consultation will still require the Council's principal office in Oakham to be open during normal office hours for inspection throughout the consultation period in a safe environment, meeting whatever requirements for social distancing are in place at that time. This is required in order that the Council complies with Regulation 35 as set out above. This provision will be particularly important for anyone without access to the internet who wishes to inspect the plan.
- 2.14 At the present time, the opening of libraries is less certain. If they are able to open during the course of the consultation and it is safe for these to be used as deposit locations then these will also be used, but the effect of the SCI review is not to require these to be deposit locations as a minimum requirement for the consultation and notification stages. Additional measures will be put in place (as set out in the revised SCI) to encourage engagement with the consultation focussing on the use of electronic and virtual formats

### **3 CONSULTATION T**

- 3.1 Three stages of consultation have taken place in the preparation of the Local Plan and the recommendation will enable the statutory consultation on the plan to progress.
- 3.2 The LDS attached as Appendix 1 will replace that approved by Cabinet in December 2019. There is not requirement to consult on the LDS however it must be kept up to date and published on the Council's website.
- 3.3 The SCI is not a development plan document and there is no statutory requirement to consult on a review of it. However the Council had indicated its intention to consult on the SCI Review in the LDS approved by Cabinet in December 2019. Therefore, it is intended to undertake a four week consultation on the reviewed SCI as outlined above. The nature and form of this consultation is not covered by any legislative requirements.
- 3.4 In line with Government guidance that it is good practice for authorities to inform the public of their intentions to update the SCI and of the changes that have been made as part of the public consultation, measures will be undertaken to inform the public through press release, newsletter and emails to those on the planning policy consultation database.

### **4 ALTERNATIVE OPTIONS**

- 4.1 The alternative option is to await the time when the current SCI can be used as the basis of the Local Plan consultation.

- 4.2 At present, there is uncertainty when the Council would be able to conduct the consultation within the context of the current SCI. The proposed amendments to the SCI would therefore provide the opportunity to maintain progress with the Local Plan in order to aid the economic recovery of the County following the likely impact of the Covid-19 situation on the local economy.

## **5 FINANCIAL IMPLICATIONS**

- 5.1 The Council has a budget in 20/21 to deal with costs arising from the development, consultation and examination stages of the Local Plan. In respect of the consultation stage, there will be some additional costs with respect to printing and distribution in making the proposed changes to the SCI. These are unquantified at present but are expected to be small and should be contained within existing budgets.

## **6 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 6.1 The Council must 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 timetable was published in December 2019 following approval by Cabinet and this has now been amended to reflect the delay in bringing forward the Regulation 19 consultation on the Local Plan approved by Council in February 2020.
- 6.2 The Council must comply with any commitments it has made in the adopted Statement of Community Involvement (SCI). Government advice contained in the National Planning Policy Guidance and Covid19 Guidance recommends that changes should be made to SCI to ensure that Local Plans can continue to progress. The SCI has been reviewed to reflect this guidance and other statutory and regulatory changes relating to the planning function.
- 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 and this has been approved by Council in February 2020. 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.

## **7 DATA PROTECTION IMPLICATIONS**

- 7.1 A Data Protection Impact Assessments (DPIA) has not been completed.

## **8 EQUALITY IMPACT ASSESSMENT**

- 8.1 An Equality Impact Assessment has not been completed. The current equality screening assessment for the Local Plan will require updating to take account of the amended proposals for the SCI should these go ahead. It is recognised that the greater use of online engagement methods could disadvantage residents who are without internet access. Whilst these numbers are expected to be low in Rutland, the provision of documents in Catmose for inspection together with specific proposals set out in the appendix to the reviewed SCI will help to address this need.

## **9 COMMUNITY SAFETY IMPLICATIONS**

- 9.1 None identified.

## **10 HEALTH AND WELLBEING IMPLICATIONS**

- 10.1 None identified.

## **11 ORGANISATIONAL IMPLICATIONS**

- 11.1 Environmental implications - None identified  
11.2 Human Resource implications - None identified  
11.3 Procurement Implications - None identified

## **12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 12.1 The Covid-19 pandemic has affected all aspects of the implementation of the Council's statutory functions. In the context of the Local Plan, a decision was made not to commence the planned Regulation 19 consultation on 24th March but to keep this decision under review. Since then recent MHCLG advice encourages Local Planning Authorities to progress with the preparation of local plans as these will be key to enabling the inevitable economic recovery which will be necessary once the pandemic is over.

- 12.2 As a result of postponement of the consultation the Local Plan timetable needs to be updated and published. Appendix 1 to this report sets out the revised timetable for the remaining stages in the process.
- 12.3 The current SCI has been reviewed in order to update all elements of community engagement in the planning process and to ensure that Covid-19 restrictions are appropriately covered. This review will also provide the opportunity to maintain progress with the Local Plan in circumstances where there are limitations on access, movement and face to face contact which make the current provisions of the SCI impossible to implement for an uncertain period of time. The draft reviewed SCI is set out in Appendix 2 and Cabinet will be asked to approve this document for a four week consultation period beginning on Friday 19<sup>th</sup> June 2020.
- 12.4 The proposals are in line with recent guidance issued by the Government.

### **13 BACKGROUND PAPERS**

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

### **14 APPENDICES**

- 14.1 Appendix 1 – Revised Local Development Scheme Statement of Community Involvement
- 14.2 Appendix 2 – Reviewed Statement of Community Involvement.

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