

GROWTH, INFRASTRUCTURE AND RESOURCES SCRUTINY COMMITTEE

18th February 2021

RUTLAND LOCAL PLAN UPDATE

Report of the Strategic Director for Places

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

DECISION RECOMMENDATIONS

That the Scrutiny Committee considers the report updating them on progress with the Rutland Local Plan.

1 PURPOSE OF THE REPORT

To provide the Scrutiny Committee with an update on progress with the Rutland Local Plan.

2 BACKGROUND AND MAIN CONSIDERATIONS

2.1 Council at its reconvened meeting on 10 February 2020 resolved to:

- Note the Legal Duty to submit a Local Plan that Council considers to be sound and will only submit a Local Plan that is considered to be sound.
- 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;

- 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;
- 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
- 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”.

2.2 Following the above approval by Council to proceed to the formal Regulation 19 public consultation stage, this was initially delayed due to the Covid-19 pandemic and subsequently took place over a 10 week period between 27 August and 6 November 2020.

2.3 The Council received 1058 representations submitted by 338 representors (224 individuals and 114 organisations (including Parish Councils, planning consultants on behalf of developers, stakeholders and local resident groups)). Five sets of representations (included within the above) were formally supported by a list of named individuals wishing to put on record their support for the representations made.

2.4 Officers have reviewed all of the representations received. In line with the Council resolution and as no unforeseen and significant issues have arisen post Publication that would require re-consideration of the Local Plan, the Local Plan and all relevant supporting documents were submitted to the Secretary of State on 3rd February 2021.

2.5 Regulation 19 consultation is different to earlier stages of community engagement. At this stage representors are asked to comment on the soundness and legal compliance of the plan. Whilst representations received have been considered by officers to ensure that there are no unforeseen or significant issues arising they have not been individually responded to in detail. All representation have been passed on to the Planning Inspectorate and will be addressed through the Examination in Public.

- 2.6 Relevant notification of the Local Plan submission has been made and details are available on dedicated web pages on the Council's website:
<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/planning-policy/local-plan-examination/>
The submission includes details of all the responses made to the formal public consultation.
- 2.7 The Council has appointed an independent Local Plan Programme Officer to support the Local Plan Examination process. Her role is to manage and administer the Examination on behalf of the appointed Inspector. She will therefore be the contact point for all matters relating to the Local Plan examination from now on.
- 2.8 At the time of writing this report, details of the appointment of the Inspector is still awaited. These will be reported on the Council's website once known.
- 2.9 The Inspector will then be responsible for the undertaking and timing of the public examination into the Local Plan.

3 CONSULTATION

- 3.1 The formal consultation on the Local Plan approved by Council followed the requirements set out in the Local Plan Regulations and in the Council's adopted Statement of Community involvement.

4 ALTERNATIVE OPTIONS

- 4.1 There are no alternative options as this is a report on the progress of the Local Plan following the Council resolution from 10th February 2021.

5 FINANCIAL IMPLICATIONS

- 5.1 Future costs of the Local Plan for undertaking the public examination have been estimated and are included in the budget proposals to be considered by Council.

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 June 2020 following approval by Cabinet on 16 June 2020.

- 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 by December 2023 at the latest.
- 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 produced the Pre-Submission version of the Plan in line with the statutory requirement to do so. The version of the Plan approved by Council in February 2020 is 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. This consultation has now been completed and representations made on matters of soundness and legal compliance will be submitted to the Secretary of State for consideration as part of 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 DATA PROTECTION IMPLICATIONS

- 7.1 A Data Protection Impact Assessments (DPIA) has not been completed, but care has been taken to ensure that personal details of those responding to the formal consultation on the Local Plan have been redacted prior to these responses being published. A statement about how personal data collected through the Local Plan review will be used by the Council is included on the Local plan Review consultation webpage and on representation forms.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 An Equality Impact Assessment (EqIA) screening report was prepared as part of the process of seeking Council approval to the Pre-Submission Local Plan. This is still relevant and is included in the supporting documents submitted to the Secretary of State.

9 COMMUNITY SAFETY IMPLICATIONS

- 9.1 Strategic Objective 7 of the Pre-Submission Rutland Local Plan approved by Council states: "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 within the submitted Local Plan which will now be examined by the independent Inspector.

10 HEALTH AND WELLBEING IMPLICATIONS

- 10.1 Strategic Objective 6 of the Pre-Submission Rutland Local Plan approved by Council states: "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 within the submitted Local Plan which will now be examined by the independent Inspector.

11 ORGANISATIONAL IMPLICATIONS

- 11.1 None.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 The report is intended to provide the Scrutiny Committee with an update on progress with the Rutland Local Plan. Following submission, the programme and

arrangements to take the plan forward will be determined by the independent Inspector undertaking the public examination into the submitted Local Plan.

13 BACKGROUND PAPERS

13.1 There are no additional background papers to the report.

14 APPENDICES

14.1 None.

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