



# Rutland County Council

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Minutes of the **TWO HUNDRED AND THIRTY SECOND (SPECIAL) MEETING of the COUNCIL** held at the Rutland Showground, Showground Way, Oakham, on Wednesday, 1st September, 2021 at 7.00 pm

**PRESENT:**

Councillor J Dale (Chairman)	Councillor N Begy (Vice-Chairman)
Councillor P Ainsley	Councillor E Baines
Councillor D Blanksby	Councillor K Bool
Councillor A Brown	Councillor G Brown
Councillor J Burrows	Councillor R Coleman
Councillor W Cross	Councillor O Hemsley
Councillor L Stephenson	Councillor A Walters
Councillor D Wilby	Councillor J Fox
Councillor S Harvey	Councillor M Jones
Councillor A Lowe	Councillor A MacCartney
Councillor M Oxley	Councillor K Payne
Councillor R Powell	Councillor I Razzell
Councillor G Waller	Councillor S Webb
Councillor P Browne	

<b>OFFICERS</b>	Mark Andrews	Chief Executive
<b>PRESENT:</b>	Saverio Della Rocca	Strategic Director for Resources
	Phillip Horsfield	Monitoring Officer
	Penny Sharp	Strategic Director for Places
	Roger Ranson	Planning Policy Manager
	Sarah Khawaja	Principal Solicitor
	Sue Bingham	Interim Corporate Governance Manager
	Tom Delaney	Governance Officer

## 1 APOLOGIES

No apologies for absence were received.

## 2 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Councillor P Browne to Rutland County Council following the recent Oakham South by-election and referred Members to his previously circulated announcements.

## 3 ANNOUNCEMENTS FROM THE LEADER, MEMBERS OF THE CABINET OR THE HEAD OF PAID SERVICE

There were no announcements from the Leader, Members of the Cabinet or the Head of Paid Service.

#### **4 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **5 PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC**

Eight deputations and two questions had been received for the meeting, the details of which had been circulated to Councillors and published alongside the agenda and minutes on the Council's website.

The Chairman invited Members to consider whether Procedure Rule 29 should be suspended, this was in order to allow all members of the public to be heard by removing the 30-minute limit on time allowed for the presentation of petitions, deputations and questions. This was moved by Councillor Waller and seconded.

Council voted unanimously to suspend Procedure Rule 29.

The first deputation was delivered by Sinclair Rogers, Chairman of Ketton Parish Council. Members did not ask any further questions of Councillor Rogers.

The first question was delivered by David Vickery, who explained that his question was intended to encourage the Council to think about possible ways to alleviate or combat a situation where it may not have a 5-year housing land supply.

Councillor I Razzell, Portfolio Holder for Planning, responded to the question by stating that the Council was aware of the stated Court of Appeal judgement and that this would be relevant in future decision-making irrespective of other actions available to the Council. However, it was explained that the weight given to policies in the existing adopted Local Plan would be a matter for the decision-maker for any proposal and the tilted balance in favour of development under paragraph 11 (d)(ii) of the National Planning Policy Framework would still need to be applied.

It was further explained that Mr Vickery's suggested document listing in-date policies in the existing adopted Local Plan would be helpful for public awareness but would have little or no weight in planning decision making and would require time and staff resource that would need to be balanced against the need to focus on the preparation of a new Local Plan as soon as possible. Reference was made to Report 105/2021 which set out how the recommendation to begin preparation of a new local plan was considered to be the most effective way for the Council to achieve a 5 year housing supply in a planned way.

It was explained the options presented by Mr Vickery of preparing several Supplementary Planning Documents would also take time and staff resources which would need to be balanced against the need to prepare a new Local Plan, which itself could address some of the policy considerations raised by Mr Vickery. It was also highlighted that there was a risk of new policies introduced through an SPD that could be subject to legal challenge based on examples of other Councils.

Councillor Razzell recognised the benefit of updating Conservation Area appraisals, it was confirmed that the proposed funding for operating without a Local Plan included

the recruitment of a full-time Conservation Officer who would work in part to support a review of Conservation Areas, it was cautioned that the extent of Conservation Areas requiring re-appraisals would make this a long-term task for the Council.

There was no supplementary from Mr Vickery except to wish the Council well in coming to a decision.

The second deputation was delivered by David Hodson. Members did not ask any further questions of Mr Hodson.

The third deputation was delivered by Ron Simpson, Chair of Rutland CPRE. Members did not ask any further questions of Mr Simpson.

The fourth deputation was delivered by Andrew Johnson, Chairman of Morcott Parish Council. Members did not ask any further questions of Councillor Johnson.

The fifth deputation was delivered by Pat Ovington of Langham Parish Council. Members did not ask further questions of Councillor Ovington.

The sixth deputation was delivered by Tim Smith, Chairman of North Luffenham Parish Council. Members did not ask any further questions of Councillor Smith.

The second question was delivered by Jeremy Orme.

The Chairman responded to the question by confirming that a delay to a decision by three weeks was an option for Council to consider and Council could re-consider the Housing Infrastructure Funding at a later meeting if it resolved to do so.

Mr Orme was offered the opportunity to ask a supplementary question and requested explicit confirmation that a delay to a decision for three weeks was a possible option for the Council. In response Phillip Horsfield, Monitoring Officer, confirmed that this could be an option if proposed, seconded and voted on by Council.

The seventh deputation was delivered by Richard Hurwood. Members did not ask any further questions of Mr Hurwood.

The eighth deputation was delivered by Richard Camp, Vice-Chairman on Manton Parish Council. Members did not ask any further questions of Councillor Camp.

## **6 QUESTIONS FROM MEMBERS OF THE COUNCIL**

There were no questions from Members of the Council.

## **7 RUTLAND LOCAL PLAN**

Report No 105/2021 was received from the Strategic Director of Places.

At this point Councillor A Walters proposed a brief adjournment to allow Members a comfort break, this was seconded.

With 12 votes in favour, 12 against and 3 abstentions, the vote was tied and the Chairman used his casting vote to defeat the motion, stating he wished the meeting to continue longer before proceeding to an adjournment.

Councillor I Razzell, Portfolio Holder for Planning, introduced the report and the recommendation from officers to withdraw the submitted Local Plan, but highlighted that officer's role was to make recommendations and the decision lay with Council. Councillor Razzell also drew Members attention to the alternative options set out in Report 105/2021, which included an option for Council to revisit the decision to decline the Housing Infrastructure Grant funding after 22 September 2021 in order to continue with the submitted Local Plan.

Councillor Razzell proposed that Council delay a decision to withdraw the Local Plan in order to revisit the decision to decline the HIF grant after 22 September 2021. This was seconded and copies of an extract from Report 105/2021 setting out the option to revisit HIF were also produced for Members.

In response to a question from Councillor G Waller, Phillip Horsfield, Monitoring Officer explained that an amendment to instead consider the original recommendations set out in Report 105/2021 would have the effect of negating Councillor Razzell's motion before Council and thus could not be considered. Therefore, a motion on the recommendations of Report 105/2021 could only be moved and considered should the motion from Councillor Razzell fall.

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The Chairman adjourned the meeting for 10 minutes to allow Members a comfort break and the extracts of Report 105/2021 to be distributed and read.

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A number of Members spoke in support of the option to re-consider the HIF after 22 September. It was highlighted that withdrawing the submitted Local Plan and starting the process afresh could leave the Council without an agreed Local Plan for some years which Report 105/2021 suggested could leave the Council vulnerable to intervention from central Government.

It was also highlighted the withdrawal of the Local Plan would result in the Council being unable to demonstrate a 5-year housing supply, which would leave areas across the county vulnerable to uncontrolled development not restrained by the various planning and environmental policies within a Local Plan. It was also put forward that allowing the submitted Local Plan to proceed would set a clear direction for Members and officers of the Council but also the County as a whole.

Members supporting the motion also gave the view that St George's Barracks was a brownfield site and any future Local Plan would include development at the site, and re-visiting the HIF grant would allow the Council to ensure a sustainable and self-contained development and that the necessary infrastructure was delivered.

Other Members spoke against the motion and in support of the officer's recommendation to withdraw the submitted Local Plan and start afresh.

It was suggested that all options before Council would involve the risk of the Council failing to demonstrate a 5-year housing supply. It was suggested that a large source of such risk was the reliance of development at St George's Barracks in order for the submitted Local Plan to demonstrate a supply. It was also put forward by some Members that beginning a new Local Plan could be beneficial by building on the outcomes of the recent Future Rutland Conversation.

Concerns were also raised by several Members opposed to the motion regarding the viability of the proposed development at St George's Barracks even if Council revisited the HIF grant decision, and some Members considered that little had changed that would affect their vote should HIF be re-considered at a later meeting. It was also suggested that inflationary pressures on building costs had made the HIF grant worth substantially less since Council's decision on the matter in March 2021. Several Members also suggested that development at St George's Barracks should take into account the need to provide jobs for local peoples as well as additional housing.

Members opposed to the motion also expressed concerns over the financial risks for the Council in accepting liability for the delivery of the required works even within the potential new spend deadline of March 2025. When speaking in support of the motion, other Members put forward that the Council would only be responsible for delivery of works such as highways and, with other work undertaken by Homes England and other bodies.

It was also suggested by some Members that the creation of a new Local Plan would allow reconsideration of the decision to gift 650 homes to South Kesteven District Council as part of the proposed Stamford North development. When Councillor Hemsley exercised his right to speak as seconder of the motion, he highlighted that the Council had a Duty to Co-operate with other local planning authorities in the plan-making process when it came to considering such issues.

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As the meeting was approaching 9.30, it was proposed by Councillor M Oxley and seconded that the meeting be extended for 30 minutes, this was put to the vote and unanimously agreed.

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In closing the debate, Councillor Razzell highlighted the various topics raised by Members and refuted some of the suggestions regarding the costs of delivering the required infrastructure at St George's Barracks and noted that the elected Members of the Council were only the temporary custodians of Rutland before passing it's care onto younger generations, and regardless of the decision made he hoped all Members would come together as one to enact it.

A recorded vote was requested, and voting was as follows.

There voted in favour:

Councillors Ainsley, Begy, G Brown, Coleman, Fox, Harvey, Hemsley, Lowe, Payne, Razzell, Stephenson, Walters and Wilby.

There voted against:

Councillors Baines, Blanksby, Bool, A Brown, Browne, Burrows, Cross, Dale, Jones, MacCartney, Oxley, Powell, Waller and Webb.

With 13 votes in favour and 14 against, the motion was defeated.

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The Chairman adjourned the meeting for 10 minutes to allow Members a comfort break.

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Upon the meeting being reconvened, Councillor Bool proposed that Procedure Rule 58 be suspended in order for Council to sit beyond 10pm if required for a decision to be made, this was seconded. Upon being put to the vote the motion was carried.

Councillor Waller proposed the recommendations set out in Report 105/2021 be agreed, this was seconded.

Councillor Cross proposed that the recommendations be immediately put to the vote without further debate, this was seconded. Upon being put to the vote with 14 votes in favour, 11 against and 2 abstentions, the motion to move straight to the vote was carried.

A recorded vote was requested, and the voting was as follows.

There voted in favour:

Councillors Baines, Blanksby, Bool, A Brown, Browne, Burrows, Cross, Dale, Jones, MacCartney, Oxley, Powell, Waller and Webb.

There voted against:

Councillors Ainsley, G Brown, Coleman, Fox, Harvey, Hemsley, Payne, Razzell, Walters and Wilby

Abstentions:

Councillors Begy, Lowe and Stephenson

There being, 14 in favour, 10 against and 3 abstentions, the motion was carried.

## **RESOLVED**

That Council:

- 1) **WITHDRAW** the submitted Local Plan (submitted to Government in February 2021) under Regulation 22 of the Local Plans Regulations from the process of Examination in Public following the decision made by Council on 22nd March 2021 not to accept the offer of £29.4m Housing Investment Fund (HIF) grant funding which has impacted the viability and deliverability of the proposed St. George's Garden Village scheme and, therefore, the wider development strategy affecting the soundness of the Local Plan.
- 2) **APPROVES** the creation of an earmarked reserve of £1,395,000 to resource the making of a new Local Plan for the County and operating without a plan (as detailed in Section 5) and that authority be delegated to the Strategic Director of Places and the Section 151 Officer in consultation with the Portfolio Holder for Planning and the Portfolio Holder for Finance, Governance and Performance, Change and Transformation to release funds from the earmarked reserve as required.

- 3) **APPROVES** that Council receives a quarterly statement of the Budget position in light of the cost uncertainty so that it can track whether the earmarked reserve is sufficient or can be released accordingly.
- 4) **APPROVES** the need to positively prepare and submit a new Local Plan informed by an updated evidence base for the benefit of the County of Rutland, its residents and businesses that will:
  - i. Deliver the corporate plan vision and themes for the County;
  - ii. Provide for sustainable growth to meet its objectively assessed housing and employment needs, utilising and promoting sustainable transport wherever possible, which will combine to contribute towards achieving the Government's net zero carbon emissions 2050 target;
  - iii. Protect and enhance the County's heritage, character and natural capital (including air quality, water resource management and biodiversity); and
  - iv. Ensure the timely delivery of all necessary infrastructure.
- 5) **APPROVES** the development of robust and effective strategic partnerships to support plan-making through the duty to cooperate and required for a viable, deliverable and sound plan.
- 6) **APPROVES** the establishment of a cross-party group to provide oversight of the process of making a new Local Plan and delegates authority to the Strategic Director of Places in consultation with the Portfolio Holder for Planning to establish a governance structure in line with the Corporate Project Management governance framework.

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**The Chairman declared the meeting closed at 9.58 pm.**

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