



MEETING: COUNCIL

MEETING DATE: 21 MARCH 2022

ITEM 7: QUESTIONS FROM MEMBERS OF THE COUNCIL

| No. | Name of Member | Question Addressed to: |
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| 1 | Councillor William Cross | Councillor Oliver Hemsley, Leader of the Council |

DETAILS

With reference to the outline planning application received for the proposed development at Quarry Farm and the agreement to gift the 650 house allocation to South Kesteven District Council (SKDC), I would therefore like to ask:

- a) Does the Leader acknowledge he and certain others entered into an agreement to gift the 650 house allocation to SKDC without the full and open knowledge being shared with and agreed by all Rutland County Councillors at the time of said agreement?
- b) Could a full and open briefing be given on the current state of the reclaiming of the 650 allocation from SKDC and also the advice provided to date by our legal advisor/s.
- c) What are Rutland's legal responsibilities should SKDC or any other partner not fulfil any part of their responsibilities under this proposed joint development?

RESPONSE

Response to Question a)

There is no signed agreement or memorandum of understanding in place with South Kesteven District Council regarding any development within Rutland as part of a comprehensive sustainable urban extension to Stamford counting towards South Kesteven's housing needs.

The most recent decision made by the County Council with regard to the proposed 650 dwellings at Quarry Farm counting towards South Kesteven's housing needs was taken by full Council in February 2020 in approving the Local Plan for its statutory consultation and subsequent submission. All members were fully involved in the February 2020 Council resolution which was taken following a comprehensive scrutiny investigation.

That decision was overtaken by the subsequent decision of full Council in September 2021 to withdraw the Local Plan. All elected members were briefed on the Quarry Farm site prior to both decisions being made at each Full Council meeting.

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Response to Question b)

There is currently no further update to the answer given to Councillor Cross in December. The County Council is awaiting a response from South Kesteven District Council.

Counsel was asked to advise in August 2021 on the implications for the Quarry Farm development in the event that the Council resolved to withdraw the Local Plan.

Counsel confirmed that:

- a) 'The withdrawal of the Local Plan will lead to a far from straightforward situation in respect of Quarry Farm. It will impact on the housing land supply in year 6 for South Kesteven and the long-term prospects of North Stamford being completed as currently planned for in SKDC's Local Plan having been supported by the South Kesteven Local Plan Inspector.'
- b) 'Any appeal against a refusal of an application to develop Quarry Farm in the absence of the Review Rutland Local Plan would be determined in accordance with the existing development plan save where any other material considerations indicate otherwise. The proposal would be in conflict with the existing development plan and could not rely upon the emerging Review Rutland Local Plan if it has been withdrawn. However, they could rely upon Rutland's previous support for the development under its duty to co-operate, its contribution to meeting housing needs (whether in Rutland or South Kesteven) and its key role for the long term development of the Stamford North development as set out in the SKDC Local Plan and supported by the Local Plan Inspector who relied upon Rutland's support for the proposals.'
- c) 'The particular circumstance whereby a 'commitment' by one Council to another under the statutory duty to co-operate is not adhered to is very unusual – it is not one that I have come across before and we cannot be certain how a court or a Planning Appeal Inspector would react to that position. So, discussion with SKDC is essential to try and find a way forward in respect of Quarry Farm.'

Response to Question c)

As there is no formal agreement or memorandum of understanding or co-operation in place and following the withdrawal of the submitted Local Plan, then there is 'no proposed joint development' and there are no specific legal responsibilities on any party.

As explained above, it is difficult to predict how the issue would be treated by an Inspector or a court in the event of an appeal or legal challenge in relation to Quarry Farm.

The report to full Council in September 2021 outlined the implications of the withdrawal of the Local Plan with respect to this site.

These are set out in paragraph 2.18 of the report:

'Withdrawing the Local Plan will also mean that there will no longer be an emerging policy basis in Rutland for the Quarry Farm allocation of 650 homes. This site is identified in South Kesteven's adopted Local Plan as an integral part of the comprehensive Stamford North Sustainable Urban Extension (SUE) and contributes to the housing need for the sub-regional Strategic Housing Market. The Council has committed to provide the 650 homes to meet this housing need under the statutory Duty to Co-operate. Although the housing numbers allocated at Quarry Farm only begin to contribute to the South Kesteven housing supply in

year 6 of its housing trajectory, the scheme is considered necessary to enable the comprehensive development of the SUE and secure the associated infrastructure (e.g. link road and primary school). The Council will be able to reconsider the strategy for Quarry Farm as part of the process of making a new Local Plan taking into account any legal considerations, the Duty to Co-operate and the refreshed evidence base of the objectively set housing need. The Council will have to consider its position if an application for the Quarry Farm site is made in the interim.'

Councillor Oliver Hemsley
Leader of the Council