

## CABINET

17 October 2023

### RUTLAND LOCAL PLAN

### “PREFERRED OPTIONS” PUBLIC CONSULTATION

#### Report of the Portfolio Holder for Planning and Property

Strategic Aim:	Sustainable Lives	
Key Decision: No	Forward Plan Reference: FP/230623	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr P Browne – Portfolio Holder for Planning and Property	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Tel: 01572 758160 psharp@rutland.gov.uk
	Roger Ranson, Planning and Housing Policy Manager	Tel: 01572 758238 rranson@rutland.gov.uk
Ward Councillors	All	

#### DECISION RECOMMENDATIONS

That Cabinet:

1. Approves the Rutland Local Plan “Preferred Options” consultation document (Appendix A) for the purposes of public consultation;
2. Delegates authority to the Strategic Director of Places, in consultation with the Portfolio Holder with responsibility for Planning, to make any factual corrections and minor changes to finalise the consultation document and facilitate the requirements of setting up consultation material, software and mapping as well as to make any changes agreed at Cabinet;
3. Agrees that elements of the Local Plan evidence base, as set out in Appendix 2, are considered to be potential material considerations for the determination of planning applications;
4. Subject to budget provision, agrees that a separate Development Plan Document is prepared for the St. George’s Barracks site; and
5. Notes the updated budget position in Section 5 of the report.

## **1 PURPOSE OF THE REPORT**

- 1.1 This report seeks approval for public consultation to be undertaken on the Local Plan “Preferred Options” document. The proposed document for consultation is appended to this report (Appendix 1).
- 1.2 The report also sets out elements of the updated evidence base for the Rutland Local Plan which are considered to be material considerations for the determination of planning applications pending the adoption of the Local Plan.
- 1.3 In addition, the report provides an updated position for the budget to deliver the Local Plan and to deal with the identified pressures of the planning service operating without a local plan.

## **2 BACKGROUND AND MAIN CONSIDERATIONS**

- 2.1 The Rutland Local Plan will cover the period up to 2041. Upon adoption, it will set out the County Council’s policies to address housing and employment needs and other associated economic, social, and environmental priorities.
- 2.2 It is an important tool in supporting delivery of the Council’s strategic priorities and is essential for the continuation of an effective planning service in Rutland. In addition, the Planning and Compulsory Purchase Act (2004), requires local planning authorities to prepare and keep an up-to-date local plan.
- 2.3 The County Council is preparing a new Local Plan that once complete will replace the various documents which together form part of the existing Development Plan for Rutland, namely:
  - Core Strategy Development Plan Document (2011);
  - Site Allocations and Policies Development Plan Document (2014); and
  - Minerals Core Strategy and Development Control Policies (2010).
- 2.4 The Council undertook consultation on the initial stages of the local plan between June and September 2022 through an Issues and Options consultation. A summary of all comments made through that consultation is available to view at: <https://www.rutland.gov.uk/issuesandoptions>. The consultation responses, national policy guidance, updated evidence base, and research have been used to develop the Council’s Preferred Options document for consultation (Appendix 1).
- 2.5 A 'Call for Sites' has also been undertaken to better understand the availability of possible sites for consideration in the Local Plan. This process gives site promoters, town and parish councils, residents and other interested parties the chance to submit sites for the Council to consider for development through the Local Plan. 149 sites were submitted for consideration. It is important to note at this stage that the publication of any site submitted through the Call for Sites does not mean that it will be included in the Local Plan or be given permission for development.
- 2.6 This consultation document represents the next stage of the plan making process for the Rutland Local Plan. It sets out a draft local plan vision and objectives and the strategic policies that are the heart of the Rutland Local Plan. These include the Council’s proposed development strategy; seeking to achieve net zero whilst adapting to and mitigating effects of climate change; setting the pattern, scale, and quality of development to address identified needs in Rutland to 2041; making

provision for a wide range of types of development; as well the conservation and enhancement of the natural and built environment.

- 2.7 It is important to note that the plan is still evolving, and no firm decisions have been made at this stage. The Council will continue to gather evidence throughout the local plan preparation and this consultation is an important aspect of this. Therefore, the Preferred Options consultation document is not necessarily what the final plan will look like. For example, more employment sites as well as “reserve” housing sites are identified in the consultation document than may be needed in the final plan as a means of ensuring the community have a chance to comment on a longer list of suitable options.
- 2.8 Following consultation, the Council will continue to engage with infrastructure providers and stakeholders, and complete a number of key pieces of evidence, which may influence the final version.
- 2.9 Considerable work has been undertaken to update the evidence base for the Local Plan. Appendix 2 sets out a list of elements of this updated evidence base which are considered to be appropriate as material considerations for the determination of planning applications pending the adoption of the Local Plan.
- 2.10 The consultation also includes an additional ‘call for sites’ for sites to meet the identified need for gypsy and traveller accommodation, and retail sites in Oakham in order to ensure that all potential options have been explored prior to the Council preparing a final suite of sites and policies.
- 2.11 One specific matter raised in the consultation document relates to the future planning of the St. George’s Barracks site, which is scheduled for closure in 2026. The Preferred Options draft plan includes a proposal that the County Council will prepare a separate Development Plan Document to lead the preparation of a masterplan and appropriate policies to shape the future re-development of this key site. This will be subject to separate and specific consultation.
- 2.12 The responses received from this consultation on “preferred options” will help shape the next version of the Local Plan. That version will be the document which the Council proposes to submit to the Secretary of State for examination and will be subject to a further round of consultation prior to its submission. Consultation on this pre-submission document is anticipated in Autumn 2024, in line with the Council’s current adopted Local Development Scheme. This next stage will be subject to consideration and approval by Council.

### **3 CONSULTATION**

- 3.1 Consultation will be undertaken in line with the Council’s adopted Statement of Community Involvement. The aim of the consultation and engagement will be to make as many people as possible across Rutland aware of this local plan consultation and encourage them to take the opportunity to have their say.
- 3.2 In order to achieve this aim, the Council will use a range of effective communication tools and channels. It is proposed to consult on the Preferred Options Local Plan and supporting documents for an 8-week period from 13<sup>th</sup> November 2023 to 8<sup>th</sup> January 2024.
- 3.3 Following this second consultation on the preparation of the Local Plan, the next

stage will be to review the comments received and together with evidence and prepare a final local plan (pre-submission consultation), which will be subject to a further round of consultation (under Regulation 19 of the Local Plans Regulations), programmed for Autumn 2024.

#### **4 ALTERNATIVE OPTIONS**

- 4.1 The alternative options would be to not progress a new local plan or delay preparation and consultation. This would leave the Council at risk of unplanned, speculative development. As the Government requires Rutland County Council to have an up-to-date plan in place, to not progress a local plan in a timely manner would be reputationally damaging and lead to the possibility of Government intervention to produce a local plan for the County Council and remove local decision making.
- 4.2 The Preferred Options Local Plan document itself considers reasonable alternatives.
- 4.3 The consultation also includes a new ‘call for sites’ for gypsy and traveller accommodation and for retail sites in Oakham which may provide alternative options that the Council should consider.

#### **5 FINANCIAL IMPLICATIONS**

- 5.1 Council (report 105/2021) approved preparation of a new Local Plan. A £1.545m reserve was created to resource the making of a new Local Plan for the County, which included funding for the expected pressure of operating without a local plan. The budget has since increased to £2.018m after additional budget was agreed in 2021/22 and 2022/23 outturn report.
- 5.2 The budget specifically for the production of the Local Plan approved by Council is £940k. This was based on the financial information provided to the full Council meeting held on 1st September 2021 which approved the withdrawal of the submitted Local Plan and the production of a new Local Plan. The estimated budget at that time took account of the mid-position of expected costs (within a range of costs from £775k to £1.154m) with no provision for contingencies. The budget has since increased to £1.133m.
- 5.3 As part of the 23/24 budget setting process a further £300k has been placed into the reserve to support both the production of the Local Plan as well as the No Plan budget. It is intended that this is split equally between the Local Plan and “No Plan” budgets.
- 5.4 The table below shows the total agreed budget for the production of the Local Plan and financial implications of not having a Local Plan.

Report	Description	New Local Plan (£000)	No Local Plan (£000)	Total (£000)
Rutland Local Plan (Report 150/2021 – Council – September	Initial Budget Creation	940	605	1,545

2021)				
Revenue Outturn 21/22 (Report 104/2022 – Cabinet – June 2022)	Underspend from Previous Local Plan	43	-	43
Revenue Outturn 21/22 (Report 104/2022 – Cabinet – June 2022)	Additional Income received in 2022/23	-	130	130
Budget report 23/24 (Report 37/2023 – Council – February 2023)	Additional Budget Allocation	150	150	300
<b>Total Budget</b>		<b>1,133</b>	<b>885</b>	<b>2,018</b>
Total Forecast		1,185	1,285	2,370
<b>(Surplus)/Deficit</b>		<b>52</b>	<b>400</b>	<b>452</b>

5.5 As the table shows the current position is a £452k overspend against the allocation with the overspend being largely as a result of support the additional demands from not having a Local Plan rather than the production of a new plan.

5.6 Officers have recently reviewed expenditure and explored ways that this could be mitigated and why the mitigation cannot be delivered, these included:

- The potential for planning fees to be increased by the Government alongside additional planning income over forecasted over the next few years to be offset against overspend (awaiting confirmation by Government of fee changes).
- The scope to reduce interim agency support in the Development Management team (depending on reduction on current caseload).
- In year underspends in the planning service to be offset against this overspend at out turn – these are currently forecast at £38k.
- Continued scope to review forecast Local Plan costs throughout the production of the Local Plan, in particular legal fees (although these will not be known until 2025/26).

5.7 There are still significant risks in the forecast projections, these are mainly:

- Examination Costs of the New Local Plan - £115k estimated (depends on the nature and level of objections following consultation on a pre-submission plan).
- Legal Costs of the New Local Plan - £195k estimated (depends on the nature and level of objections following consultation on a pre-submission plan and any legal challenge following the adoption).

- Legal Costs associated with No Local Plan - £230k estimated (relates to any potential cost awards where a planning decision is overturned on appeal).
- Consultancy Support - £60k estimated (depending on application complexity).
- Redundancy Costs of Additional Staff - £31k estimated.

5.8 The Preferred Options draft plan includes a proposal that the County Council will prepare a separate development plan document to prepare a masterplan and policies to shape the future re-development of the St. George's Barracks site which is scheduled to close in 2026. There is currently no budget provision for this work. It is imperative that this work commences alongside the production of the Local Plan and so the cost of this work will need to be considered as part of the 2024/25 budget setting process.

## **6 LEGAL AND GOVERNANCE CONSIDERATIONS**

6.1 The Rutland Local Plan is a statutory development plan. Local plans are prepared under the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. The Preferred Options is a draft document is prepared in accordance with Regulation 18 of the Local Plans Regulations.

6.2 The National Planning Policy Framework sets out the tests that Local Plans and Spatial Strategies should meet to be considered 'sound.' Plans are 'sound' if they are:

a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's 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;

b) Justified – an appropriate strategy, considering the reasonable alternatives, and based on proportionate evidence;

c) 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

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

6.3 The Local Plan needs to comply with planning legislation that requires procedural fairness and the need to meet the Equality Act. The regulatory framework is provided by the Planning and Compulsory Purchase Act 2004 (as amended) and related statutory instruments. Once adopted, it will form part of the statutory development plan.

## **7 DATA PROTECTION IMPLICATIONS**

7.1 The consultation systems and processes for the Rutland Local Plan are considered to be General Data Protection Regulation (GDPR) compliant.

## **8 EQUALITY IMPACT ASSESSMENT**

- 8.1 An Equality Impact Assessment has been prepared and the consultation and engagement programme recognise that community engagement with all sectors of society is important if we are to prepare an inclusive and forward-thinking local plan.

## **9 COMMUNITY SAFETY IMPLICATIONS**

- 9.1 The consultation document includes proposals that will positively impact on community safety.

## **10 HEALTH AND WELLBEING IMPLICATIONS**

- 10.1 The consultation document includes proposals that will positively impact on health issues in Rutland. There has been direct involvement from the Public Health Strategic Lead for Rutland and the next stage of the Local Plan will be accompanied by a Health Impact Assessment.

## **11 ORGANISATIONAL IMPLICATIONS**

### **11.1 Environmental implications**

- 11.2 The Local Plan plays a central part in terms of supporting environmental enhancements across the County and addressing the climate crisis. Supporting documents to the Preferred Options include a Sustainability Appraisal and Habitat Regulations Assessment.

### **11.3 Human Resource implications**

- 11.4 The production of the Local Plan is undertaken by existing staff with responsibilities for strategic planning matters.

### **11.5 Procurement Implications**

- 11.6 There are no direct procurement implications arising from this report.

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

- 12.1 It is important for the Council to prepare a new Local Plan in a timely fashion, particularly to enable as many people and businesses in Rutland as possible to be engaged in shaping its future.
- 12.2 The Preferred Options consultation is a key second stage in this process and the preparation of the Local Plan will be fully informed through all responses made to the public consultation on this report.

## **13 BACKGROUND PAPERS**

- 13.1 Government guidance on plan making:  
<https://www.gov.uk/guidance/plan-making>

- 13.2 Local Plan evidence base:  
<https://www.rutland.gov.uk/planning-building-control/local-plan/new-local-plan/local-plan-evidence-base>

## **14 APPENDICES**

14.1 Appendix Ai: Rutland Local Plan “Preferred Options” consultation document  
Ground

14.2 Appendix Aii: Rutland Local Plan “Preferred Options” consultation document  
Ground

14.3 Appendix B: List of Rutland Local Plan evidence base reports to be considered as  
material considerations for the determination of planning applications.

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