



# Rutland County Council

## Rutland Local Plan Examination

Council response to the Inspector's Initial  
Observations regarding Duty to Co-operate  
with respect to the Proposed Urban  
Extension to the North of Stamford

26<sup>th</sup> May 2021

## **RUTLAND COUNTY COUNCIL**

### **DUTY TO CO-OPERATE**

#### **RESPONSE TO INITIAL OBSERVATIONS**

##### **1. The Inspector's Observations**

- 1.1 *With regard to the proposed allocation of land to address South Kesteven's housing need at Quarry Farm, Stamford North, I note the provision of a Statement of Common Ground between the Council and South Kesteven District Council (CD9b). What is the current status of the Memorandum of Understanding between Rutland County Council, South Kesteven District Council, and Lincolnshire County Council which was unsigned as of December 2020? Is it intended that it will be finalised and submitted?*

##### **2. The Council's Response**

- 2.1 A draft Memorandum of Understanding (MoU) between Lincolnshire County Council, South Kesteven District Council and Rutland County Council regarding the proposed development at Stamford North was prepared in 2019.
- 2.2 This was considered by a Cabinet meeting of South Kesteven District Council on 11th June 2019 (then entitled as a Statement of Common Ground), coinciding with the public examination into the South Kesteven Local Plan.
- 2.3 As the Inspector has indicated that MoU was unsigned as of December 2020. From the perspective of Rutland County Council, we have been seeking further development of the proposed Stamford North development brief in order to take both documents to Cabinet at the same time prior to finalising the agreement between the local authorities.
- 2.4 In January 2021, it was decided that Rutland County Council and South Kesteven District Council as the relevant Planning Authorities would continue to develop the

shared approach and Lincolnshire County Council would not be a party but would act as a consultee with regard to highways, surface water flooding and education within its boundaries.

- 2.5 Both South Kesteven District Council and Rutland County Council remain committed to working together to jointly plan the comprehensive urban extension to Stamford as set out in the Submitted Local Plan.
- 2.6 In January 2021 a Statement of Common Ground was agreed that committed the Council's to developing the MOU/Position Statement, which is now entitled a Memorandum of Cooperation (MoC), between South Kesteven District Council and Rutland County Council. The purpose of this MoC is to facilitate co-ordination and co-operation between the two Councils respectively as they seek to jointly plan land to the north of Stamford extending across both authorities to ensure the delivery of a comprehensive urban extension to Stamford. It proposes a governance structure of a Project Board between representatives of both authorities. A draft of this MoC has been received by the shadow Strategic Board on 13th May 2021 and it was agreed to recommend this to the Cabinet of each Authority.
- 2.7 Following this decision, arrangements are now being made to seek formal consideration by elected members through the respective Cabinet meetings in South Kesteven District Council and Rutland County Council. Once approved by respective Cabinets, the Memorandum of Cooperation will be signed and the Strategic Board will then meet on a formal basis.
- 2.8 It is intended therefore that the document will be finalised, signed and will be submitted following respective Cabinet approval of each Council.
- 2.9 A shadow Strategic Board has been formed with current membership consisting of the Chief Executive and Cabinet Portfolio Holder from South Kesteven District Council and the Leader, Cabinet Portfolio Holder and Director of Places from Rutland County Council, with appropriate officer support. The shadow Strategic

Board has met four times since February 2021 and its terms of reference are attached as Appendix 1 to this response.

## **Appendix 1: Terms of Reference Stamford North Strategic Board, as agreed by the shadow Board meeting held on 25th March 2021**

### Project Management

1. Each authority will provide a senior officer as part of its resource commitment to act as the lead point of contact and involvement.
2. A Project Plan will be jointly agreed for the work showing key work stages and timetable in terms of aligning and co-ordinating policy and evidence outputs, including consultation on that policy and evidence, across local authority boundaries. For further details of the Project Plan, see below.
3. South Kesteven District Council will maintain details of the agreed budget and spend and will maintain a risk log identifying potential threats to the joint planning process and, where appropriate, any mitigating actions. If any risks are considered significant, these will be reported through each Council's risk management programmes and appropriate solutions to manage the risk will be put in place.
4. A change control process will be used to assess proposed changes to policy or evidence outputs or changes to the agreed joint working arrangements.

### Principles of Governance Scope of Board

5. The authorities agree the following principles of governance when carrying out joint planning. The joint planning should:
  - (a) provide strategic oversight and direction;
  - (b) be based on clearly defined roles and responsibilities at organisation, group and, where necessary, individual level;
  - (c) align decision-making authority with the criticality of the decisions required;

- (d) be aligned with the overall scope and each stage of the joint planning process (and may therefore require changes over time);
- (e) leverage existing organisational, group and individual joint working arrangements;
- (f) provide coherent, timely and efficient decision-making; and
- (g) correspond with the key features of the governance arrangements set out in the Memorandum of Cooperation.

#### The Stamford North Strategic Board

6. The Stamford North Strategic Board will be established to give the overall joint planning process strategic oversight and direction by setting out clearly, by means of an overall Project Plan, the outputs expected from it.
7. The Project Board will consist of the following attendees:
  - Rutland County Council: The Cabinet member and the Strategic Director or Deputy Director for Place (or equivalents) or their representatives
  - South Kesteven District Council: The Cabinet member and the Strategic Director or Assistant Director for Growth (or equivalents) or their representatives.
8. The overall Project Plan should be developed by the Project Board and approved by the Project Board within a reasonable time frame from the date of the signing and publication of the Memorandum of Cooperation. It will be a 'live' document, to be updated as appropriate from time to time as the joint planning work progresses. The Project Plan will identify:
  - (a) key delivery milestones relating to project objectives against an agreed timeframe;
  - b) expectations of project teams and/or employees (other than those identified in the Memorandum of Cooperation);

- (c) any secondment arrangements between signatory authorities, if appropriate; and
  - (d) practical working arrangements, for example which staff will require access to the premises of the other authority.
9. The position of Lead Project Manager will be determined by the Stamford North Strategic Board. The Board will meet regularly and will from time to time include representatives of any other organisations with related interest in the joint planning process, which might, for example, include relevant statutory or non-statutory consultees.

Principles of co-operation

10. The authorities further agree to adopt the following principles of co-operation when carrying out joint planning:
- a) collaborate and co-operate. Establish and adhere to the governance structure set out in these the terms of reference to ensure that activities are delivered and actions taken as required;
  - (b) be accountable. Take on, manage and account to each other for performance of the respective roles and responsibilities;
  - (c) be open. Communicate openly about major concerns, issues or opportunities relating to the joint planning process;
  - (d) learn, develop and seek to achieve full potential. Share information, experience, materials and skills to learn from each other and develop effective working practices, work collaboratively to identify solutions, eliminate duplication of effort, mitigate risk and reduce cost;
  - (e) adopt a positive outlook. Behave in a positive, proactive manner;
  - (f) adhere to statutory requirements and best practice. Comply with applicable laws and standards including EU or relevant procurement rules, data protection and

Freedom of Information legislation. In particular the parties agree to comply with the requirements of the Information Sharing Agreement (Appendix A);

- (g) act in a timely manner. Recognise the time-critical nature of the joint planning process and respond accordingly to requests for support;
- (h) work with stakeholders effectively;
- (i) deploy appropriate resources. Ensure sufficient and appropriately qualified resources are available and authorised to fulfil responsibilities; and
- (j) act in good faith to support achievement of the key objectives set out in the Memorandum of Cooperation and in compliance with these principles of co-operation.

#### Roles, responsibilities and powers

11. A single structure of a Project Board 'Stamford North Strategic Board' is proposed for the purposes of the joint planning exercise. Such a structure will retain democratic accountability for the work as well as having the technical input from Officers. This will be supported by appropriate day to day working between officers across the two local authorities, with further engagement with officers in Lincolnshire County Council where appropriate. This will entail:
  - preparing, integrating and publishing appropriate evidence base, technical and policy documents;
  - managing all communication, consultation and engagement processes;
  - carrying out any other tasks required by the Project Board to manage and co-ordinate the planning and development of Stamford North;
  - updating the Memorandum of Cooperation as appropriate over the period of joint planning; and

- reporting progress against Project Plan milestones on a regular basis to the Project Board.
12. The authorities will continue to work together on strategic issues other than the joint planning process in accordance with the Duty to Co-Operate and will establish the appropriate arrangements to do so separate from and without prejudice.

#### External reporting and publication

13. External reporting and publication will take place as follows:
- Minutes, attendees and actions will be recorded for each Project Board meeting. Any additional reporting requirement will be at the discretion of the Project Board. Minutes, attendees and actions will be made publically available on at least one of the Authority websites and potentially through a micro-site hosted by South Kesteven District Council.
  - Draft technical and/or evidence outputs will be considered and endorsed by the Project Board. Once endorsed by the Project Board, outputs will then be circulated to the two authorities' Cabinets before publication.
  - Draft policy outputs will be considered and endorsed by the Project Board. Once endorsed by the Project' Board, outputs will then be considered and approved by the two authorities' Cabinets before publication, as appropriate.
  - The Project Board will establish an Advisory Group consisting of relevant Town and Parish Councils to be briefed on proposals and to act as a liaison between the Project Board and the local residents on the nature and timing of the development.

#### Communication

14. Both authorities will commit to issuing joint correspondence, joint press releases and attending joint press conferences, where appropriate, to ensure communities are

updated. Both authorities will provide information about the proposals on their websites.

15. A communication strategy will be put in place to ensure that both RCC and SKDC carry out the same level of consultation.

#### Escalation

16. If any of the authorities have any issues, concerns or complaints about the Project, or any matter, that authority shall notify the other authorities and the authorities should then seek to resolve the issue by a structured communication. If the issue cannot be resolved within a reasonable period of time, the matter shall be escalated to the Project Board, which should decide on the appropriate course of action to take.
17. If any authority receives any formal inquiry, complaint, claim or threat of action from a third party (including, but not limited to, claims made by a supplier or requests for information made under the Freedom of Information Act 2000) in relation to the joint planning process, the matter shall be promptly referred to the Project Board (or its nominated representatives). No action shall be taken in response to any such inquiry, complaint, claim or action, to the extent that such response would adversely affect the joint planning process, without the prior approval of the Project Board (or its nominated representatives).

#### Intellectual property

18. The authorities intend that [notwithstanding any working arrangements such as, but not limited to, secondment(s)] any intellectual property rights created in the course of the joint planning process shall vest in the party whose employee created them (or in the case of any intellectual property rights created jointly by employees of two or more authorities, in the authority that has been agreed as lead authority for the part of the project to which the intellectual property right relates). Where any intellectual property right vests in any authority in accordance with the intention set

out in the previous paragraph, that party shall grant an irrevocable licence to the other authorities to use that intellectual property for the purposes of the Project.

#### Term and Termination

19. These Terms of Reference will commence on the date of signature by all authorities, and shall expire on the adoption of the last policy output arising from the joint planning process, or on the full resolution of issues arising from s106 or CIL obligations that require a joint approach, whichever occurs later.
20. The Memorandum of Cooperation will be reviewed at the end of the first 6 months in order to inform any changes necessary for further joint working.
21. Any authority may cease to commit to the Stamford North Strategic Board thereby giving at least three months' notice in writing to the other authorities.

#### Governing Law and Jurisdiction

22. The Stamford North Strategic Board shall be governed by and construed in accordance with English law and, without affecting the escalation procedure set out in paragraphs. All authorities agree to submit to the exclusive jurisdiction of the courts of England and Wales.