



Rutland Local Plan

Legal Compliance

Background Paper for Submission
February 2021

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1. Introduction

1.1 This background paper has been prepared to support the submission of the Rutland Local plan 2018-2036 to the Secretary of State and provides evidence for the forthcoming Examination in Public.

1.2 The paper provides a summary of:

- Contextual information for the Local Plan review
- Legal and policy context within which the plan has been prepared
- The evidence base which has informed the preparation of the Plan
- The chronological story of the preparation of the plan including how it has evolved in response to evidence, public consultation and the ongoing duty to co-operate with public bodies, and sustainability appraisal process

2. Background and context

Rutland County Council

2.1 Rutland County Council is the smallest county in England with an area of approximately 382 km² and a population of just under 40,000 (2018 data). It is classed as the most rural county in England and Wales and has an ageing population. The County has two small towns – Oakham and Uppingham and 52 villages and hamlets.

2.2 As a unitary authority, Rutland County District Council provides all of the services and statutory functions of a Tier Three authority, including education, social care, highways and transportation, waste, minerals and planning. Due to its size a number of these functions are outsourced to other tier three authorities via Service Level Agreements. Of particular relevance to the plan making function is the Minerals and Waste responsibilities which are currently provided by Northamptonshire County Council and a number of other functions such as County Archaeologist and County Ecologist which are provided by Leicestershire County Council and legal services covered in part by Peterborough City Council.

Context and local geography

2.3 Rutland county adjoins Leicestershire to the north and west, Lincolnshire to the east and Northamptonshire and Peterborough City to the south. District council boundaries are with Melton Borough Council to the north and Harborough District Council to the west, both within Leicestershire; Corby City and East Northamptonshire District Council in Northamptonshire, to the South; Peterborough City Council to the south-east and; South Kesteven District Council in Lincolnshire to the east.

2.4 The county lies in the Peterborough (partial) Housing Market Area (HMA) and the Peterborough Functional Economic Market Area (FEMA) which comprise the administrative areas of Peterborough City Council, Rutland County Council and South Holland and South Kesteven District Councils. These four authorities

have a strong history of joint working developed over the last 15 - 20 years. This relationship has ensured that sub-regional planning for housing and employment growth as well as other cross boundary matters relating to flood risk; infrastructure needs; Gypsy and Traveller provision and landscape have been addressed in a joined up manner.

Local Enterprise Partnership (LEP)

- 2.5 When the Local Plan review process began Rutland was part of the Greater Cambridge and Greater Peterborough Local Enterprise Partnership (GC&GPLEP) and the council worked to ensure that the policies and proposals included in the 'Employment and Economic Development' sections of the plan aligned with the LEP Economic Strategy. As the focus and objectives of the GC&PLEP changed Rutland became less closely aligned to the objectives of the GC&PLEP and in March 2020 the Council joined the Greater Lincolnshire LEP (GLLEP). This move took place after the Local Plan had been approved for Regulation 19 consultation. However since joining, the council has worked hard to ensure the GLLEP Strategic Plan recognises Rutland and the economic issues and challenges faced by the County.
- 2.6 The Council has gained the support of the GLLEP for the policies and proposals included in the Local Plan and have committed to continuing to work with the LEP partners to deliver the economic and infrastructure objectives set out. Whilst the GLLEP had no direct involvement in the Local Plan as it was being prepared they have confirmed that they support the approach to economy and employment set out in the emerging Local Plan and have indicated that ongoing engagement will seek to align economic objectives through the Local Plan and Local Industrial Strategy and COVID recovery plan. This relationship will also provide an opportunity for RCC to access funding for strategic and infrastructure proposals through the LEPs bidding process.

Neighbouring Authorities

- 2.7 The County's relationship with its neighbours in Leicestershire and Northamptonshire are also strong with key advisors sitting within both County Councils (see paragraph 2.2 above) and planning officer involvement and engagement through working arrangements such as Planning Officer Forums.
- 2.8 All of Rutland's neighbouring authorities have existing, adopted local plans in place. The Council has co-operated extensively with its neighbouring authorities in the preparation of both this Rutland Local Plan and on each of their respective plans. The most recently adopted plan is that for South Kesteven District Council (SKDC) which was adopted in January 2020 following Examination in 2019. Rutland County Council appeared in support of SKDC at Examination in matters relating to Duty to Co-operate and the allocation of a cross boundary development site at Stamford North (which is allocated within both the SKDC Local Plan and the Rutland Local Plan). Discussions between RCC and SKDC about the potential for joint and/or cross boundary work to address the future development needs of the town of Stamford began in the

late 2000's as each authority prepared their first Core Strategy and Site Allocation DPDs. The Rutland Core Strategy 2011 references these early cross boundary considerations at paragraph 2.8. The effective dialogue and working relationship between SKDC and RCC has continued through the preparation of this latest round of Local Plans.

Current Development Plan and decision to review

- 2.9 The adopted Development Plan for Rutland is currently provided by the following three documents:
- Minerals Core Strategy and Development Control Policies DPD (October 2010)
 - Core Strategy DPD (July 2011)
 - Site Allocations and Policies DPD (October 2014)
- 2.8 A review of these three documents began in 2015 with the aim of producing a single Rutland Local Plan to replace all three adopted documents. The new plan was also considered necessary to reflect changes in National Planning Policy and Guidance; extend the plan period to 2036 to provide at least a 15 year time horizon and to ensure that provision was made for additional new housing, employment and other necessary development to meet the County's needs over the extended plan period.

3. Legal and Policy Context

National legislation

- 3.1 The Rutland Local Plan has been prepared within the legislative framework provided by the Planning and Compulsory Purchase Act (PCPA) 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). These documents set out requirements relating to the content of local plans, sustainability appraisal, community engagement and the duty to cooperate with neighbouring local authorities and other public bodies. Other legislation is also relevant, for example the Planning Acts 1990 and 2008.
- 3.2 National policy is set out in the National Planning Policy Framework (NPPF) which is supported by detailed Planning Practice Guidance (PPG). The Rutland Local Plan has been prepared in accordance with the principles and policies set out in the NPPF (February 2019). In particular the following sections of the NPPF have been key to the preparation of the Rutland Local Plan
- 3.3 Section 2 of the NPPF sets out that the purpose of the planning system is to “... *contribute to the achievement of sustainable development* ...” and sets out the three overarching objectives of achieving sustainable development.
- 3.3 Section 3 of the NPPF sets out specific policy relating to plan-making. This includes the tests of soundness, which require that plans must (in summary) be:

- positively prepared;
- justified;
- effective; and,
- consistent with national policy.

And that the Local Plan must constitute "... an appropriate strategy, taking into account the reasonable alternatives ...".

3.3 Whilst all of the NPPF is relevant the following sections of the NPPF have been key to the development of the Rutland Local Plan:

- delivering a sufficient supply of homes (section 5);
- building a strong, competitive economy (section 6)
- Making effective use of land (Section 11) and
- Facilitating the sustainable use of minerals (Section 17).

PAS Route mapper and Toolkit

3.4 The Council has completed the Planning Advisory Service (PAS) Route mapper and Legal Compliance Toolkit (document ref CD14), and prepared a Regulation 22 Statement of Community Engagement (document CD4) and Duty to Cooperate Statement of Compliance (document ref CD9) which set out how the Council has complied with the legal requirements set out in legislation and policy throughout the preparation of this Local Plan.

Duty to Co-operate

3.5 The Duty to Co-operate Statement of Compliance includes evidence to demonstrate that the Duty has been complied with throughout the plan making process. In preparing for submission of the plan the Council has secured a number of Statements of Common Ground with the prescribed bodies or confirmation by letter/email that a SoCG is not considered necessary in certain circumstances. The Duty to Co-operate Compliance Statement confirms the following key outcomes:

- That the Peterborough Sub-regional HMA is the appropriate Housing Market Area and Functional Economic Market Area for Rutland county
- HMA authorities agree the minimum housing requirement for Rutland is 130 dwellings per annum
- None of the neighbouring districts have identified an unmet housing need or requested Rutland to accommodate an unmet need.
- Stamford North is a strategic allocation for 1,300 homes to create a comprehensive sustainable urban extension to Stamford. A part of the allocation of Stamford North lie within the administrative area of Rutland County. The 650 houses will contribute to South Kesteven's, rather than Rutland's, assessed housing need
- The approach to economic development broadly aligns with the objectives of the Greater Lincolnshire LEP and economic objectives of neighbouring authorities.

- Agreement concerning the health, education, transport and other critical infrastructure required to support the growth proposed is identified and a strategy for the delivery of this is in place
- That appropriate policy mitigation is included in the plan to address potential impacts of development on biodiversity, designated ecological and heritage assets, including the potential impact on Rutland Water SPA and RAMSAR site
- There are no issues relating to aggregate supply or waste transport arising from ongoing work with neighbouring mineral and waste authorities.

4. Evidence base

4.1 Since commencing the review of the Local Plan in 2015 the Council has prepared a range of evidence studies to underpin the plan making process. Some existing evidence such as that relating to Landscape character, Landscape capacity, flood risk and open spaces was prepared before the Local Plan review commenced – where appropriate this evidence has been reviewed and updated. For a number of reasons the Local Plan process has taken longer than anticipated and as such some evidence commissioned at the beginning of the review process is now a little dated. This is particularly relevant to the retail evidence which is currently being updated to reflect changes to national policy and Use Classes Order. All of the evidence which underpins the Local Plan is published on the rutland.gov.uk/localplanexamination

4.2 The Rutland Local Plan evidence base covers a wide range of topics including the following:

- Spatial strategy and settlement hierarchy
- housing need and land supply;
- employment land needs and land supply;
- retail capacity;
- infrastructure;
- Gypsy and Traveller and Travelling Showpeople accommodation needs;
- whole plan viability;
- open space, sports and recreation;
- landscape capacity and sensitivity
- flood risk;
- minerals and waste;

Sustainability Appraisal and Habitats Regulation Assessment

- 4.3 A key role of local plans is to promote sustainable development. This means promoting social and economic growth that meets the needs of everyone whilst protecting the environment and making prudent use of natural resources.
- 4.4 To help ensure that the Rutland Local Plan promotes sustainable development it has been subject to a robust process of Sustainability Appraisal (SA) throughout its preparation. This process has covered the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004.
- 4.5 SA is a process that Local Planning Authorities such as Rutland County Council are legally bound to undertake for their Local Plans. Local Planning Authorities use SA to assess Local Plans against a set of sustainability objectives and the baseline developed in consultation with interested parties. The purpose of the appraisal is to help identify (and so be in a better position to avoid) negative environmental and socio-economic effects and identify opportunities to improve the environmental quality of Rutland and the prosperity and quality of life of its residents through the Local Plan.
- 4.6 As required by relevant legislation, the Local Plan has also been subject to a process of Habitats Regulation Assessment. This assesses the potential effect of the Rutland Local Plan against the conservation objectives of sites which are designated at a European level for their nature conservation significance. This includes potential impacts of the Local Plan on Rutland Water SPA and RAMSAR
- 4.7 The Sustainability Appraisal and Habitats Regulation Assessment process are iterative processes which have informed key stages of the Plan's preparation. In this respect the processes have informed decision making on the Local Plan, including on its policies, its development strategy and potential site allocations.

5. Key stages in the development of the Plan

- 5.1 The adopted Rutland Site Allocations and Policies DPD (Oct 2014) set out a commitment to review the Local Plan within 2-3 years of its adoption. Work commenced in 2014 to begin the preliminary work, gather evidence and identify strategic cross boundary issues in preparation of the Local Plan Review. On 18th August 2015 the Council's Cabinet agreed a timetable for the preparation of the Local Plan Review, which was set out in the Local Development Scheme (Report no. 148/2015).
- 5.2 The Council has undertaken 5 key consultation stages in preparing the Local Plan:
- Call for Sites (September 2015 – January 2016)
 - Issues and Options consultation (November 2015- January 2016)
 - Draft Local Plan for Consultation (July – September 2017)

- Specific Focussed consultation on the implications for potential development at St George's Barracks and an Additional Sites Consultation (July – September 2018)
- Regulation 19 Pre-submission consultation (August – November 2020)

Where appropriate, SA Reports associated with the Sustainability Appraisal process and the Habitats Regulation Assessment were released alongside these consultations to inform stakeholder engagement.

Further information including access to the consultation documents and summary of responses reports can be accessed for each consultation stage on the website <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/planning-policy/local-plan-review/>

Call for Sites September 2015

- 5.3 The call for sites consultation began in September 2015. Developers and landowners were invited to submit land for consideration for development, including housing, employment, community and social uses, minerals extraction etc. The submitted sites were reported in the *Summary of Sites Submitted through Call for Sites and Issues and Option Consultation (Sept 2015 – January 2016)* published in May 2016. A total of 128 sites were submitted through this period.

Issues and Options November 2015

- 5.4 On 20th October 2015, Cabinet approved the publication of the Issues and Options consultation. Consultation took place between November 2015 and January 2016 (Report No: 189/2015). The issues and options consultation was accompanied by a Sustainability Appraisal (SA) Scoping Report which set out the proposed framework and objectives for assessing the emerging plan through the SA. A Habitats Regulation Assessment (HRA) Screening Report was also published for consultation. In accordance with Regulations and the adopted Statement of Community Involvement copies of the documents were made available for inspection at the Council offices and local libraries. The council also notified specific and general consultees of the consultation process.
- 5.5 A total of 106 written responses were received about the Issues and Options Consultation. A summary of the comments received about the Issues and Options was published in May 2016. Comments made about the Issues and Options were used to inform the preparation of draft policies and site proposals included in the Consultation Draft Plan (2017) and resulted in the preparation of additional or updated evidence including the SHMA and SHELAA, Employment Land Assessment, Local Aggregate Assessment, whole plan viability; and Local Waste Needs Assessment.
- 5.6 In November 2016 the Ministry of Defence concluded a review of the Defence Estate and announced an intention to dispose of the St George's Barracks site located adjacent to the village of Edith Weston– about 8 miles from the county

town of Oakham. The closure of this site is expected to come into effect in 2021/22, after which the site would become vacant. Following the decision to close the site Rutland County Council sought to work in partnership with the Ministry of Defence and the local community to determine the an appropriate future for the site.

- 5.7 The site is some 289 ha in size. About 1/3rd of the site is currently in use, comprising mainly accommodation blocks, service and ancillary buildings. The site is a secure site with perimeter fencing and a gatehouse. The site was an airfield during the Second World War and played an important role in the Cold War. There are a number of buildings and structures within the site which reflect its previous use and history, including the Thor missile site which is a Grade II* listed building. At the time of writing this is the only designated heritage asset on site. The eastern half of the site is also a safeguarded minerals area and is underlain by limestone reserves.

Consultation Draft Local plan 2017

- 5.8 On 18th July 2017 Cabinet approved the publication of the consultative draft Rutland Local Plan for consultation. (Report No: 132/2017). At the time of preparing the Draft Plan for consultation there was no certainty about the future use, nature or timing of development of the St George's Barracks site, and there was insufficient evidence available to enable any detailed consideration of the site within the Local Plan. The Consultative Draft Plan did not therefore include specific proposals for St George's.
- 5.9 The Consultation Draft Local Plan was published for eight weeks consultation between 31st July 2017 and 25th September 2017. Consultation on the draft Local Plan was accompanied by an SA Report and a Habitats Regulation Assessment report (HRA). In accordance with Regulations and the adopted Statement of Community Involvement copies of the documents were made available for inspection at the Council offices and local libraries. The council also notified specific and general consultees as well as those who had responded to the Issues and options and Call for site s consultations of the consultation process.
- 5.10 A total of 364 written responses were received about the Draft Plan. A summary report of consultation responses was published in March 2018. The representations were taken into consideration regarding the potential residential allocations, policy wording and the additional sites put forward were appraised for their suitability. The key issues arising from this consultation were:
- Concerns about the scale and number of the proposed residential allocations in the larger villages.
 - A number of objections to COT13 – Land north of Mill Lane, Cottesmore.
 - Historic England objected to EDI02(A) – The Yews, Well Cross, Edith Weston.
 - A number of objections to proposed allocations in Greetham, Ketton, Whissendine and Ryhall.
 - A large number of objections to the proposed allocations in Oakham in particular OAK04 – Land at Brooke Road, Oakham.

- The need to consider the potential and the significance of the St. George's barracks and suggest it is properly considered, evaluated and included in the plan so that its impact on surrounding areas and infrastructure improvements required can be assessed.
- The need for an up to date Infrastructure Delivery Plan.
- An additional 14 sites were put forward to be considered for residential allocations.

Specific consultation relating to St George's Barracks and on Additional Sites July 2018

- 5.11 Following the announcement in 2016 of the intention to close the St George's site the MOD prepared a number of key pieces of evidence to examine the site constraints and consider potential redevelopment opportunities for the site. This work include a minerals assessment report; Initial Traffic Assessment; Landscape and Visual Assessment; Ecological Appraisal; and initial archaeological and heritage assessment work. In May 2018 the Ministry of Defence together with Rutland County Council undertook community consultation on an initial high level masterplan for the St George's barracks site. The masterplan provided a preliminary overview of the scale, nature and timing of development of about 3500 homes and employment land. This consultation was undertaken independently of the Local Plan process.
- 5.12 As a result of the evidence prepared by the MOD and the publication of an initial masterplan for redevelopment of the site it was considered essential that the redevelopment potential of such a large brownfield site needed to be considered through the Local Plan process. As a result a focussed consultation document was prepared to consider the specific implications of the potential redevelopment of the site on relevant policies and proposals which had been set out in the 2017 Consultation Draft Local Plan. The paper made it clear that the Council had not made a decision to allocate the site for development but that it was important to consider how such a proposal might affect the local plan which had previously been published. The consultation paper made it clear that as well as a need for additional evidence, there would be a need for the SA and HRA to assess any proposals associated with the site should it be considered suitable for inclusion in the Pre-submission Local Plan.
- 5.13 A six week consultation period was undertaken between 13th August and 24th September 2018 on this focussed consultation paper. At the same time the Council also chose to consult on a number of additional development sites which had been proposed since the 2017 Local Plan was prepared.
- 5.14 These two consultations were undertaken as part of the early engagement requirements of Regulation 18 of the Local Planning Regulations and were published to complement and build upon the consultation undertaken in 2017. In accordance with Regulations and the adopted Statement of Community Involvement copies of the documents were made available for inspection at the Council offices and local libraries. The council also notified specific and general consultees as well as those who had responded to previous consultations.

5.15 The consultation generated a high level of response, with 816 individual response forms and letters about the Specific Consultation about St George's and a further 316 forms and letters about the additional sites. A third party conducted a poll of Rutland residents about proposals for the St George's site. The results of this poll were also shared with the Council. (762 poll responses). A number of those responding to the poll had also responded to the council's consultation. A summary report of consultation responses was published in March 2019. The main issues raised through consultation were:

- The need to define what is meant by sustainable growth
- Concern with scale of development at St George's (Many respondents felt that development should be limited to 500 dwellings) and disagreement with the term 'garden village'
- Consider it an isolated location – unsustainable and unsuitable development including employment uses.
- Lack of alternative sites for a garden village considered or alternative uses for the site.
- Mixed views on whether the Garden village should be included within the settlement hierarchy.
- Query Brownfield definition/Previously Developed Land of the site.
- Concern about mineral extraction and its impact on new residents.
- Concern about impact on surrounding roads and villages and lack of infrastructure in place to support it.
- Developers disagree with the resulting reduction in housing number to LSC's
- Consider there is a lack of evidence for change in housing figures and evidence to justify the housing need for this site.
- Developers concerned with delivery rates – too ambitious and over reliance on one site - will need to allocate reserve sites for flexibility.
- General support from government agencies.
- Submission of an alternative garden village proposal at Woolfox.
- Individual comments relating to some of the additional sites

5.16 All representations were taken into consideration to produce the Pre-Submission Local Plan and a series of changes made to the spatial strategy, site allocations, plan text and policies as a result of the consultation. This process was also informed by additional SA work undertaken in 2019 (discussed below).

5.17 The submission of a proposal for an alternative/additional garden community proposal at the former Woolfox airfield located to the east of the A1 between the small village of Clipsham and the A1 at the close of the consultation period resulted in the need to consider this option through the Local Plan process. The Council therefore worked with the site promoters of this new site to ensure that an appropriate evidence base was prepared to allow the scheme to be assessed alongside the St George's proposal. The Council gave the site promoter time to prepare evidence relating to the potential site constraints including: mineral reserves; transport assessment including access onto the Strategic Highway Network; ecology; landscape and viability and deliverability.

- 5.18 At the same time the council commissioned AECOM to pick up the SA work (which had until this point been undertaken in-house) for the Local Plan. This began with a review of the options considered to date through the SA process, with a view to ensuring that the sustainability implications of an appropriate range of reasonable alternative options had been considered.
- 5.19 12 spatial strategy options were subsequently appraised through the SA which considered different development strategies for the Local Plan. The appraisal of the spatial strategy options considered a range of growth options which reflect the delivery of 2,111 to 4,880 homes in Rutland over the plan period. This enabled the relative sustainability merits associated with different growth scenarios in Rutland to be effectively considered, based on different distributions of development between Oakham, Uppingham, Local Service Centres, St George's Barracks and Woolfox. As such, the appraisal provided a sustainability perspective on lower, medium and higher growth options, and the likely choices that would need to be made in relation to the locations and distributions of development. It also enabled a comparison to be made between options which take forward growth through new communities at St George's Barracks or Woolfox against options which did not include a new community at these locations. The resulting Interim SA report was published in July 2019.
- 5.19 In September 2019 the Council commissioned PTPP planning consultant to undertake a detailed comparative assessment of the two new community proposals. This report considered each site against a range of factors, reviewing the evidence which had been provided for each site. In addition, specialist technical reviews were commissioned to consider the evidence provided by each site in relations to transport; landscape; mineral reserves; infrastructure costs and viability. The specialist report for each of these elements was considered as part of the comparative assessment process.
- 5.20 On 23rd December 2019 Cabinet considered the comparative assessment report and supporting evidence, along with the Interim SA report and determined that a revised spatial strategy should be included in the Pre-submission Local Plan which included a new garden community proposal located at St George's.

Regulation 19 Pre-Submission local Plan August 2020

- 5.21 On the 10th February 2020 the Council approved publication of the Pre-Submission Local Plan for consultation under Regulation 19. The Pre-submission version of the Local Plan was informed by the feedback received to each of the three previous rounds of Regulation 18 consultations, together with a consideration of the local plan evidence base which comprises a range of technical and specialist reports on issues ranging from housing matters. In addition, the Pre-submission plan was informed by the findings of ongoing Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA) work. A report on both the SA and the HRA were published for consultation alongside the plan..
- 5.22 Consultation was due to begin on 23th March 2020 however the Covid19 pandemic delayed the start of consultation until 27th August 2020. In accordance

with Regulations and the Statement of Community Involvement (which had been revised and adopted in July 2020) copies of the documents were made available for inspection on the Councils website, and despite Covid-19 restrictions arrangements were put in place to ensure that (on an appointment only basis) access was available for people to inspect a paper copy of all of the consultation documents at the Council offices. The council also notified specific and general consultees as well as those who had responded to the previous Local Plan consultations or had requested to be kept informed of the local plan process.

5.23 1058 representations were made about the Pre-submission Local Plan. These have been summarised and are reported in a Summary Report published with the Submission of the Local Plan to the Secretary of State. The Main Issues raised by representations are summarised as follows:

- Revised Spatial Strategy which reduces growth in the two towns and local service centres and replace this with the development of a new settlement is inappropriate for Rutland.
- Overall objection to the new Garden Community proposal at St George's. Objection is to the scale of development; impact of traffic arising from the development; deliverability and infrastructure requirements; and sustainability concerns about its location, mineral extraction on site, the deliverability of employment site and viability concerns.
- Unrealistic timescales for delivery and an over reliance on St George's in terms of delivery in the first five years will result in need for additional sites to provide flexibility in first five years
- Different views on what is the appropriate level of Housing Need and the appropriate buffer for flexibility
- Scoring methodology for the site assessment should be published and questions about it not being correctly applied in some cases
- Insufficient allocations in Oakham and Uppingham and the Local Service Centres to sustain them
- Lack of allocation in Uppingham will delay delivery whilst await a review of the Neighbourhood Plan
- The development of 650 homes at Quarry Farm Great Casterton should count towards meeting the housing needs of the County not SKDC housing need
- Quarry Farm policy needs to be strengthened to cover green infrastructure, country park, heritage and conform with SKDC policy for Stamford North
- Some concern about impact of allocation H1.18 Whissendine on archaeology in particular ridge and furrow and on flooding in the village
- Legal compliance issues raised in relation to the process for selecting St George's for the development of a new settlement and in relation to meeting NPPF requirement for early engagement in the plan making process
- Legal compliance issues relating to the process for undertaking the Sustainability Appraisal
- Statutory bodies have also suggested the need for some changes to policy wording for a number of the more detailed policies relating to biodiversity; heritage; water quality and flood risk

- Wording and policy changes required for Mineral and Waste policies to align with 2019 NPPF
- Issues relating to the installation of electric vehicle charging in new developments, with reference to impact on viability and proposed changes to Building Regulations in this respect
- Planned Limits of development should be redrawn to allow for windfall sites and should be drawn around St George's and Quarry Farm. Concern about the new PLD at Harrier Close, Cottesmore
- Whole plan viability study will need to be updated to take account of national policy changes relating to Biodiversity net gain and changes to Building Regulations.

6. Legal compliance and Test of Soundness

- 6.1 PAS route mapper and compliance toolkit has been used throughout the plan making process to ensure that the plan meets the tests of soundness. The toolkit is in the Examination library.

6.2 The toolkit findings are summarise below:

Test	How we have met this test
Legal Compliance	
<p>The Local Plan should have been prepared in accordance with the Council's latest Local Development Scheme.</p>	<p>The LDS has been updated periodically through the plan preparation process. The latest LDS was approved and published in June 2020 this showed an intention to submit the Local Plan by the end of 2020.</p> <p>The two month delay on submission is largely due to a 4 week extension to the Regulation 19 consultation in October-November 2020 and to provide sufficient time for the Council to consider and summarise the representations received.</p>
<p>The Local Plan should be accompanied by a Sustainability Appraisal and Habitat Regulations Assessment.</p>	<p>The SA and HRA have been prepared in an iterative manner throughout the plan making process.</p> <p>A Pre-Submission SA report and Pre-Submission HRA report were published alongside the Pre-submission Local Plan as part of the Regulation 19 consultation.</p>
<p>Consultation on the Local Plan should have been carried out in accordance with the Council's Statement of Community Involvement.</p>	<p>The SCI (first review) was used for all of the early engagement and the SCI 2nd review (2020) was used to undertake Regulation 19 consultation</p> <p>The Regulation 22 Statement of Community Engagement sets out the details of how the plan making process has been undertaken in accordance with the requirements of the SCI at each stage.</p>
<p>The Council should have worked collaboratively with neighbouring authorities and prescribed bodies on</p>	<p>The Council has prepared a Duty to Co-operate compliance statement and a number of Statements of Common</p>

<p>strategic and cross boundary matters, known as the Duty to Cooperate.</p>	<p>Ground have been signed with prescribed bodies to demonstrate how the Duty has been met throughout the plan making process.</p>
<p>The Local Plan should comply with all relevant laws including the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012.</p>	<p>The Council is confident that it has adhered to all relevant Regulations and the legislative framework throughout the plan making process</p>
<p>Soundness</p>	
<p>Positively prepared - provides 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.</p>	<p>The plan makes provision for sufficient land to exceed than the minimum housing and employment need as calculated by the standard methodology and evidence within Employment land study.</p> <p>Rutland County has not been asked to meet an unmet housing or employment need arising from any of its neighbouring authority.</p> <p>Rutland local Plan includes part of a cross boundary housing development required to ensure that the housing needs of Stamford in South Kesteven can be addressed in a sustainable manner.</p>
<p>Justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.</p>	<p>The Plan provides an appropriate strategy for growth in Rutland to 2036. The strategy has been developed using a wide evidence base, consultation responses and through the consideration of a full range of reasonable alternatives for growth which have been assessed through the SA process.</p> <p>This process began with the issues and options consultation in 2016 and has</p>

	<p>evolved over the subsequent consultations and plan iterations.</p>
<p>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.</p>	<p>The plan is considered to be effective and deliverable over the plan period. The Council has worked with developers, landowners and other stakeholders to understand the likely delivery rate for proposed development sites. For the larger housing sites this has been corroborated through signed statements of common ground.</p> <p>The plan is supported by an Infrastructure Delivery Plan which identifies the critical infrastructure required to support the proposed growth and the policies and proposals in the plan have been assessed through a whole plan Viability Assessment which has been updated on a number of occasions. This work demonstrates that the plan is deliverable</p>
<p>Consistent with national policy - enabling the delivery of sustainable development in accordance with the policies including the National Planning Policy Framework.</p>	<p>The Plan sets out a sustainable strategy for meeting the development needs of the county to 2036.</p> <p>Policies in the plan are in accordance with national policy and will help to deliver sustainable development, mitigate against harm and control unwanted and unsuitable development proposals.</p>

Conclusion

- 7.1 The Council has considered all of the representations submitted about the Pre-Submission Local Plan, together with the evidence provided by representors and its own Local Plan evidence base and considers that the Local Plan is sound and legally compliant and has therefore determined that it is appropriate for submission to the Secretary of State.
- 7.2 On 10th February 2020 the Council approved the publication for Regulation 19 consultation on the Pre-Submission Rutland Local Plan. In making this decision the Council also resolved to

“3. 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.”
- 7.3 No unforeseen or significant issues have arisen therefore the Council intends to submit the plan for examination on or before 3rd February 2021 and will address outstanding representations through the Examination process along with any Matters, Issues and Questions presented by the Planning Inspector.
- 7.4 The Council will be requesting 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.