



Rutland County Council

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RECORD OF DECISION AT A MEETING OF THE CABINET

Monday, 23rd December, 2019 at 6.00 pm

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PRESENT: Mr O Hemsley Mr G Brown
Mrs L Stephenson Mr A Walters
Mr D Wilby

OFFICERS PRESENT: Mr Ranson Planning Policy Manager
Ms Traill Strategic Director for Places
Mrs Briggs Chief Executive
Mr Horsfield Monitoring Officer
Mrs Powley Governance Manager
Mr Dale Councillor
Mrs Jones Councillor
Mr Ainsley Councillor
Mrs Harvey Councillor
Mr Baines Councillor
Miss Waller Councillor

384 APOLOGIES FOR ABSENCE

There were no apologies for absence.

385 ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF THE PAID SERVICE

There were none.

386 DECLARATIONS OF INTEREST

There were no declarations of interest.

387 INTENTION TO HOLD PART OF THE MEETING IN PRIVATE

The Chair commented that an appendix included on the agenda contained exempt information. Exclusion of the press and public would be considered under item 14.

388 RECORD OF DECISIONS

The Record of Decisions made at the meeting of the Cabinet held on 19th November 2019 were agreed.

389 ITEMS RAISED BY SCRUTINY

The Chair noted that Cabinet had received items from GIR Scrutiny Committee held on the 19th December 2019 and the responsible Portfolio Holder would respond to those items at the relevant part of the agenda.

390 INTEGRATED TRANSPORT CAPITAL PROGRAMME

The Portfolio Holder for Culture & Leisure, Highways & Transportation and Road Safety elaborated on her report and noted that in September 2019 Rutland County Council had approved the counties fourth Local Transport Plan. An allocation of £701,167 of funding had been allocated from the integrated transport plan and the report sought approval for a number of funding allocations and delegations. It was reported that the cost of outsourcing transport could be £90,000 higher than the cost of using the in house fleet and was not considered as being value for money and the use of the in house service had been expanded to support wider transport operations to ensure best value. Consideration had been given to the purchase of electric and or hybrid minibuses but there were no suitable vehicles on the market but officers would continue to monitor advances in technology and changes in the market. Councillor Brown the Portfolio Holder for Environment, Planning, Property, and Finance congratulated the work and achievements of Councillor Stephenson specifically with the Highways and Transport Working Group.

RESOLVED:

That the following be approved:

1. The allocation of £701,167k of funding from the Integrated Transport grant to be spent in 19/20 and 20/21 in line with the breakdown set out in para 7.6 (table 5).
2. The following delegations (some of which clarify/amend existing delegations as per Appendix C):
 - a) Delegate authority to the Strategic Director for Places in consultation with the Portfolio Holder for Culture & Leisure, Highways & Transportation and Road Safety to:
 - i) Approve the design, construction, or implementation of community led highway or transport initiatives (including accident cluster sites);
 - ii) Approve the programme of works for passenger transport, public rights of way and RAG and other disability group identified schemes;
 - iii) Create or modify traffic regulation orders in order to deliver schemes required to deliver approved projects, subject to the Traffic Regulation Order (TRO) complying with DfT guidance;
 - iv) Approve the fleet replacement programme;

- v) Approve the evaluation criteria and any contract award for any procurement required to deliver the above delegations.
- b) Cabinet delegated authority to the Strategic Director for Places in consultation with the Portfolio Holder for Culture & Leisure and Highways & Transportation and Road Safety and the Portfolio Holder for Finance to approve:
 - i) The design, construction, or implementation of Council identified priorities;
 - ii) The evaluation criteria and any contract award for any procurement required to deliver the above delegations.

REASON FOR DECISION:

In order for the ITCP to continue to deliver transport and infrastructure improvements across Rutland it is recommended that cabinet and approve the funding allocations for 19/20 and 20/21 and to approve the delegations outlined within the report

391 KETTON CENTRE (LIBRARY & COMMERCIAL HUB) - ACQUISITION OF LAND

The Portfolio Holder for Environment, Planning, Property, and Finance submitted his report and elaborated thereon. He explained that the site had originally been acquired by the Council in 1972 from the Diocese of Peterborough and since that then, there had been a number of unsuccessful attempts to clarify boundaries and user rights as they had been reluctant to dispose of any land in the location. The Diocese had offered the council the freehold of the informal parking area for a nominal sum of £1.

RESOLVED:

1. That the acquisition of land adjoining Ketton Centre [Library and Community Hub] from the Peterborough Diocese be approved
2. That the allocation of the sum of £ 7,200 of S106 monies towards the works for the scheme and that this project be added to the Capital Programme.
3. That legal costs of c£2,500 be funded through the legal budget.
4. That authorisation be granted to the Director for Places, in consultation with the Cabinet Member with portfolio for Planning, Environment, Property and Finance to agree the final terms, including the precise area of land, generally in line with the Heads of Terms.

REASON FOR DECISION:

The recommendations set out in the report will enable the Council to improve and control the parking area, and to maintain the value of the Council's asset [the Library] by providing controllable parking space.

392 SKID RESISTANCE STRATEGY AND OPERATIONAL GUIDANCE AND THE PERFORMANCE MANAGEMENT FRAMEWORK FOR HIGHWAY ASSET MANAGEMENT

The Portfolio Holder for Culture and Leisure, Highways & Transport & Road Safety which sought Cabinet's approval of the new Skid Resistance Strategy and Operational Guidance and to request the approval of the Performance Management Framework for Highway Asset Management. She commented that the approval of this would ensure that the Councils budget was being spent wisely and where it was needed the most - improving the safety of residents.

RESOLVED:

That the Skid Resistance Strategy and Operational Guidance and the Performance Management Framework for Highways Asset Management be approved as part of the ongoing development of highways asset management in Rutland.

REASON FOR DECISION:

The DfT through the Incentive Fund is incentivising local highway authorities to adopt the risk-based approach to highway asset management. The Skid Resistance Strategy and Operational Guidance is part of the suite of documents demonstrating effective highway asset management of its principal road carriageway network.

The Performance Management Framework for Highways Asset Management demonstrates the benefits of highway management and how the investment is improving Rutland's highway assets.

Cabinet endorses the adoption of the Rutland Skid Resistance Strategy and Operational Guidance and the Performance Management Framework.

393 RUTLAND LOCAL PLAN - SPATIAL STRATEGY

The Portfolio Holder for Environment, Planning, Property, and Finance submitted his report and responded to the questions and depositions that were submitted at the Growth, Infrastructure and Resources Scrutiny Committee held on the 19th December 2019 – appended to these minutes.

Following the response, the Portfolio Holder for Safeguarding – Adults, Public Health, Health Commissioning & Community Safety stated that he supported the opportunity to have a Garden City and that it should be considered as a positive opportunity for Rutland.

The Portfolio Holder for Children's Services and Education echoed the opinion of the Portfolio Holder for Safeguarding – Adults, Public Health, Health Commissioning & Community Safety and considered the project to be exciting and visionary.

RESOLVED:

1. That the assessment of the scale of development to meet identified needs as set out in Appendix 1 be considered and determines the growth objectives for the Local Plan in terms of housing and employment land requirements.

2. That the assessment of proposals set out in Appendix 2 regarding the distribution of development including the principle of establishing a garden community in Rutland as an appropriate amendment to the Spatial Strategy be considered.
3. That, subject to 1 above, the assessment of proposals to establish a garden community in Rutland as set out in Appendix 2 be considered and agreed that:
(a) the evidence available regarding the proposals to create a new community at Woolfox does not demonstrate that these are viable and deliverable; and (b) the evidence available regarding the proposals to create a new community at St. George's demonstrates that these are viable and deliverable on the basis that Housing Investment Fund support is now confirmed.
4. That, subject to the above considerations, Cabinet considered and approved the Local Development Scheme be approved as set out in Appendix 3 which establishes the timetable for the production of the Local Plan and associated development plan documents.

REASON FOR DECISIONS:

The report sets out the implications for the Local Plan regarding:

- *The new National Planning Policy Framework;*
- *The quantum of new development to be proposed in the Local Plan; and*
- *The distribution of development including an assessment of proposals for the creation of a potential new community in Rutland.*

Consideration of the issues will assist in the next stage in the process of preparing the Local Plan, which will be the publication of Pre-Submission Local Plan. It is intended that this will be published in line with the timetable set out in this report. The clear intention is to ensure that the plan is sound, positively prepared, justified, and effective, as well as being consistent with national policy and legally compliant. In this regard, it should be noted that the revised NPPF includes the tests of soundness so that the Local Plan should be 'an appropriate strategy', and not 'the most appropriate strategy' as set out in the previous NPPF.

394 PROGRESS REPORT ON ST GEORGE'S BARRACKS

The Chief Executive updated Cabinet and provided them with a summary of the progress to date. It was reported that work was still evolving on the master plan through various sub-groups, who were meeting regularly. Work on the Evolving Masterplan would continue into 2020. The meetings of the St George's Advisory Group had been suspended and the Project Board was reviewing options to allow for further engagement with Parish Council's and the wider community to give opportunity to influence the plans.

RESOLVED:

That the progress update in respect of the St George's Project be noted.

REASON FOR DECISION:

Update members on the progress and inform members that the project is in line with the programme

395 ST GEORGE'S BUSINESS ZONE BID SUBMISSION

This item was withdrawn

396 HOUSING INFRASTRUCTURE FUND

The Chief Executive elaborated on a report which sought Cabinet's support, in principle to recommend to Council acceptance of the £29.4m Housing Infrastructure Fund grant following the receipt of a letter from MHCLG on the 1st November 2019 that the Council had been successful in being awarded the £29.4 m HIF. Extensive work was being undertaken by officers, working closely with Homes England and the MOD to progress the draft Heads of Terms and other contractual documentation. It was noted that Homes England had completed a site visit but there was recognition that there was still a significant amount of work needed. It was noted that should Cabinet agree to recommending the acceptance of the HIF grant to Council, should Council agree the recommendation Rutland County Council would be the responsible authority although there would need to be continued engagement with the MOD; the majority of the cost-risk and the cost-overrun would however sit with the MOD, mitigating some of the risk to the Council.

The Portfolio Holder for Environment, Finance, Planning & Property noted that there were going to be no show stoppers but that the Council would be monitoring as many risks as possible to ensure that St George's was best for Rutland.

The Portfolio Holder for Safeguarding – Adults, Public Health, Health-Commissioning & Community Safety commented that he did not regard any of the proposed terms and conditions for St George's Garden as particularly onerous and would therefore support the recommendations contained within the report.

The Chief Executive noted that every effort was being taken to mitigate risks and that the Council would be ensuring that risk would be shared with partners based on the elements of the project that each had responsibility for.

RESOLVED:

That Cabinet supported in principle recommending to Council acceptance of the £29.4m Housing Infrastructure Fund grant.

REASON FOR DECISION:

To update Cabinet on progress in relation to the Housing Infrastructure Funding (HIF) (Forward Funding) for the St George's project.

Cabinet is asked to support the continuation of 'due diligence' work under the guidance of Cllr Brown the Portfolio Holder. Cabinet will be updated weekly and the report for Council will progress when sufficient work has been completed to allow a recommendation to be made to Council.

The report seeks approval in principle for Cabinet support to recommend to Council acceptance of the £29.4m Housing Infrastructure Fund grant subject to satisfactory progress of the on-going work in relation to associated terms and conditions and contract negotiations with Homes England and the Ministry of Defence. Ideally this work will be concluded in time for the Council meeting on 20th January, as per the

Forward plan. If not further progress reports will be presented to Cabinet until the time is right to present to Council for a decision to be made.

397 EXCLUSION OF THE PRESS AND PUBLIC

Cabinet determined not to exclude the public and press from the meeting.

398 ST GEORGE'S BUSINESS ZONE BID SUBMISSION - APPENDIX A

399 HOUSING INFRASTRUCTURE FUND - APPENDIX A

Cabinet had determined not to exclude the public and press from the meeting.

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The Chairman declared the meeting closed at 7.01pm

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The Chair announced that the scheduled meetings would be updated to reflect a number of changes which included the following:

GIR Scrutiny Committee – 16th January 2020
Council meeting – 20th January 2020
Cabinet – 21st January 2020
Council 27th January 2020

This would allow for additional time for members to be updated on progress and to take into consideration comments made at the GIR Scrutiny Committee on the 19th December 2019.

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Cabinet response to the questions and deputations raised at the Growth, Infrastructure and Resources Scrutiny meeting held on the 19th December 2019.

I was disappointed in the chairing of the meeting in that we lost over 45 minutes with the questions and deputations including Short Notice questions.

- 1 After the PDQ's the chair suggested that there would be an opportunity for explanations and/or clarifications relating to the PDQs later in the meeting. This did not happen leaving both the residents and Panel members without clarity as to some of the assertions being made and questions being asked.
- 2 Unfortunately the Chair also failed to make it clear that questions were addressed to the Panel and not Officers or Cabinet members so compounding the suggestion from some residents that Cabinet was not prepared to explain matters and that we are being deliberately secretive.
- 3 I also note that members and officers who were required to attend were not served the correct notice under Rule 204 para 3 of the Constitution again.

A formal response will be provided in due course but I thought that Cabinet may wish clarification on some of the points raised by the PDQs

Mrs Monica Stark regarding potential development at Brooke Rd

This deputation was not relevant to the questions in front of the Panel as the Spatial Strategy does not allocate sites but only suggests where the volume of new homes should be distributed, i.e. Oakham, Uppingham, Local Service Centres, Windfalls and a potential Garden Community. This would be better being dealt with in the Scrutiny Panel when it reviews the Local Plan documents in January.

Mr Vic Pheasant Empingham

Value for Money – This is an Audit and Risk matter but our External Auditors gave us a clean bill of health in June of this year as far as VFM is considered. All procurement of external planning advice has been made in line with the Council's procurement rules.

HIF – The purpose of the HIF money from Homes England is to deliver Infrastructure First, something which residents made clear in Mr Gilman's survey in August 2018 By RCC receiving and controlling the money it gives us the ability to influence the development in a positive way

Speed between publishing and the Panel Meeting - Caused by the election and Christmas but the timetable was agreed with the Chair of the Panel. The Plan making process is set out in statutory regulations and this ensures that the community is engaged at appropriate stages throughout the process. In accordance

with these regulations the council has followed these regulations in the review of the local plan which began in 2015. To date community engagement has taken place under Regulation 18 (Issues and Options consultation 2015, Call for sites 2015; Consultation draft plan in July 2017; focussed consultation about St George's barracks summer 2018; additional sites consultation 2018).

Since then the Local Plan team has taken 18 months to secure the necessary technical evidence and independent assessment work necessary to consider both St George's and Woolfox proposals. There will be another opportunity for formal representations to be made about the local plan as part of the Pre-submission consultation (and for these to be considered by an independent planning inspector as part of the Examination in Public).

HIF and the Local Plan – We will discuss the HIF conditions later this evening so we can deal with them at that time, however as can be read from the body of evidence there have been extensive reviews especially of the two proposed Garden Communities. It is clear from this analysis and the fact that the HIF bid has been scrutinised by Treasury, MHCLG, Homes England, Dept for Transport and two independent government appointed consultants that the development at SGB is viable and deliverable with HIF money. There are examples from elsewhere of Local Plans allocating sites where proposals for these sites are related to HIF bids and no announcement of HIF has yet been made. It should be noted that there are 4000 homes in the South Kesteven Local Plan which has been through examination and have yet to have a HIF bid confirmed.

Deadlines – It is unfortunate that the election and Christmas has shortened the timescales between the meetings but there will be further opportunities by members to review the proposal right up until the time Council decides to support the Local Plan or otherwise.

HIF overspends – This was discussed under the exempt part of the meeting and we will have the opportunity to do the same later tonight. But as you will note from the exempt paper we are working to minimise the risk to RCC.

Consultant Reports – Mr Pheasant suggests that the consultants have not acted properly in carrying out the work commissioned, this is a slur on their professional standing. These are major companies some international who have been through a rigorous assessment for the Framework and I was disappointed that the Chair did not challenge this given her extensive experience in the public sector.

Mr Cliff Bacon CPRE

Mr Bacon has been selective in his comments and not taking the reports in the round but it is encouraging to note that there is an acceptance by CPRE that 160 homes per year is the correct number for Rutland. It is also sad that he suggests that a legal challenge will be forthcoming prior to examination. Legal challenge normally only relates to when decisions have been made which will be at the point when the Plan is adopted

The whole point of an Examination in Public by an independent Inspector is to make sure that Plan is sound and backed by appropriate evidence. The evidence clearly

states that it would not be appropriate for both Garden Communities to come forward as that would create an oversupply of homes threatening the delivery of the Plan.

In response to a) -Further evidence will be provided with the Local Plan which will discuss the whole Plan viability. Sustainability Appraisal and Habitats Regulations Assessment.

b) – Assessment of sites reveals that not all of the sites identified in 2017 are achievable of being policy compliant or appropriate and thus risking our 5 year housing supply, and in the case of one substantial site in Oakham identified in the 2017 consultation then the owner has withdrawn this for consideration in the local plan.

The 2017 consultation plan was prepared on the basis of there being uncertainty as to the potential nature, quantum and timing of any proposed development. This is now known and so it is important to consider this within the context of the local plan. A number of responses to the 2017 draft, particularly in relation to the larger sites in the Local Service Centres, identified that these sites may not need to be allocated if the Local Plan was to consider the scope for development at St. George's.

c) - The market will play a significant role in determining the rate of development on all sites. Evidence of development rates across the country, which has been undertaken by independent specialists and that experienced here in Rutland at Oakham North demonstrate that delivery rates of greater than 120 per annum on a single development sites are unlikely to be achieved. It is both inappropriate and contrary to national policy to restrict the rate of development on allocated development sites.

Mr Camp - Comments on the PTTP paper comparing Woolfox and SGB

Further work has been carried out since the publication of the PTTP report and supersedes the concerns raised in the report.

Traffic – A further survey of traffic was carried out in October 2018 in addition to October 2017. The impact of summer traffic to Rutland Water will have little impact on the junctions as this additional traffic tends to be at weekends/bank holidays and outside peak travel times. It is unfortunate that the Parish Councils decided not to engage in the SGB Transport Sub Group as this is one of the questions which we are discussing.

The evidence we now have to support the Garden Community is considered by officers to be robust and justified.

The AECOM Interim Sustainability Appraisal is just that “Interim” and will be superseded by the final report due to be published shortly where these points have been addressed .Also please note para 3.46 of Appendix 2

St. George's: For this site, Amey conclude that for the purpose of allocation in the Local Plan, the submitted TAs are detailed and provide a robust reassurance that any issues would be able to be addressed in a more detailed TA at the time of planning application. Trip generations and the growth factors

used appear to be reasonable within the context of the stated purpose of the TAs. They consider that it is likely that the development impacts have been overestimated in the approach taken, for a number of reasons. A breakdown by vehicle type would however be of assistance as HGV movements may potentially be high with this development. The wide area and large number of junctions assessed provides a good level of assurance around the likely impacts of the development on the surrounding network.

Mr Allen Employment – This was addressed at the meeting and will be discussed again during the update on SGB

Mr Newton – Spatial Strategy

Surprising coming from someone with such experience in Local Government that he thinks preparing Local Plans is like having a popularity contest. He should recall that Local Plans should be positively prepared and evidence based, in particular

- It is important to note that on its closure for operational use, the proposals for development at St George's site would take place on land which constitutes "brownfield land" as defined in the NPPF
- It supports the NPPF objective that: "Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that **makes as much use as possible** of previously-developed or 'brownfield' land".
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Mr Gareth Jones – Process of Scrutiny

I will leave Scrutiny to respond to this item other than saying that a previous Panel did not look at the 2017 Draft Local Plan until 4 months after it was published and even then it was only reviewed because of my personal intervention as a back bencher.

There is a process in place, each one of them held in public, scrutiny reviews papers before Cabinet meetings. Cabinet considers points made by Scrutiny and decides if changes are required to their recommendations to Council and then Council makes the final decision.

Mr Du Jardin – Employment

Response as per Mr Allen – Our objective is to create one job on site for every household on the site.

Sue Walling – Error in Appendix – Distribution of Development

There is a discrepancy in the St George's proforma in the Technical Annex regarding the Impact Risk Zone. Otherwise, having checked again, the references elsewhere in the SA reporting regarding this are correct.

To confirm, St. George's Barracks is in an SSSI Impact Risk Zone for the following three categories:

Large non-residential developments outside existing settlements/urban areas where footprint exceeds 1ha.

Residential development of 50 units or more.

Any residential development of 50 or more houses outside existing settlements/urban areas.

Therefore I am happy to confirm that the Technical Annex will be updated prior to Regulation 19 following a further check.

Letter from Andrew Granger & Co

Adds little in respect of Woolfox and makes arguments against SGB. One would have thought they would want to demonstrate that their site is superior rather than suggesting the alternative site is inferior.

Scrutiny Panel recommendations - NONE

There were a number of comments which have been forwarded to Cabinet and I am happy to discuss these.

- 1 High level of interest – yes and quite rightly this is important for the whole of Rutland not just individual Parishes.
- 2 Affordable Housing – we must deliver homes that young people can afford and I would draw your attention Section 3 of the SHMA
- 3 Employment – Yes we have stated that we want to attract technical and creative jobs for SGB in particular but right across Rutland (not warehousing and distribution)
- 4 Members were concerned about risk in relation to the HIF and how well this had been assessed
- 5 Members agreed to the concept of a garden community in Rutland
- 6 Whilst there are still a number of unknowns around the HIF conditions and thus risks to the Council the Panel voted in favour of progressing the HIF

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