



## Rutland County Council

Catmose Oakham Rutland LE15 6HP.

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Minutes of the **TWO HUNDRED AND EIGHTY SEVENTH MEETING of the COUNCIL** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Monday, 10th February, 2020 at 7.00 pm

**PRESENT:**

Mr K Bool	Mr J Dale
Mr O Hemsley	Mr G Brown
Mr R Coleman	Mrs L Stephenson
Mr A Walters	Mr D Wilby
Mr P Ainsley	Mr E Baines
Mr N Begy	Mr D Blanksby
Mr A Brown	Ms J Burrows
Mr W Cross	Mrs J Fox
Mrs S Harvey	Miss M Jones
Mr A Lowe	Ms A MacCartney
Mr M Oxley	Mrs K Payne
Mrs R Powell	Mr I Razzell
Miss G Waller	Mr N Woodley

**APOLOGIES:** Mrs S Webb

<b>OFFICERS</b>	Mrs H Briggs	Chief Executive Officer
<b>PRESENT:</b>	Mr P Horsfield	Monitoring Officer
	Mr K Silcock	Governance Officer
	Mrs E Powley	Governance Manager
	Mr R Ranson	Planning Policy Manager
	Ms R Armstrong	Principal Planning Officer

### **493 LOCAL PLAN - REGULATION 19 (ITEM 7 ON THE ORIGINAL AGENDA)**

The Council were informed that Councillor A Brown had submitted an amendment to the motion as follows:

The motion proposed:

“That RCC:

- a) Terminates the current Statement of Common Ground with LCC and SKDC;
- b) Includes the 650 housing allocation at Quarry Farm within RCC’s housing allocation;
- c) Negotiates with SKDC a contribution from RCC’s CIL allocation to the costs of the Stamford North road development; and

- d) Delays approving the Regulation 19 consultation until this is done to give RCC enough future housing stock to satisfy legislation for the next 5 years whilst not hampering South Kesteven in their desire for a new road.”

This was seconded by Miss Jones.

During discussion the following points were noted:

- i. Councillor A Brown questioned whether paragraph 27 of the National Planning Policy Framework (NPPF) had been complied with which states that ‘authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these’ in relation to the 650 dwellings that had been given to South Kesteven District Council (SKDC).

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At this juncture of the meeting, Councillor Hemsley proposed a suspension of Rule 58 in the Constitution to remove the requirement for the meeting to finish at 9:30pm.

Councillor G Brown seconded the motion.

Upon a vote, the motion was carried.

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- ii. Councillor Burrows expressed her disappointment that some of Rutland’s Housing stock had been given to SKDC.
- iii. Councillor Jones commented that the amendment submitted by Councillor A Brown was not a delaying tactic on behalf of the Independent Group but had been submitted due to concern as she questioned what the benefits would be residents of Rutland: 650 was a considerable portion of the housing allocation.
- iv. Councillor Razzell commented that he supported the proposed Local Plan and that failing to plan would result in a collective plan to fail.
- v. Councillor Baines noted that he was minded to support the amendment as he considered it necessary for additional time to be granted before approving the Local plan. He commented that it was the duty of each Councillor to represent the wishes of residents of Rutland and explained that despite the risks in delaying the plan, the risks to proceeding may prove greater than a delay.
- vi. Councillor Oxley reported that there were a lot of ‘ifs’ contained with the plan and noted the surprise of the Councillors at SKDC at the decision for Rutland to give away 650 homes to them.
- vii. Councillor Cross stated that 650 homes was the equivalent to a small village in Rutland and asked members to consider the proposal very carefully before agreeing to it and noted his support for the amendment.

- viii. Councillor G Brown reported that to support the amendment the Council would be making an unsound decision which could potentially be unlawful. He referred to paragraph 17 in the FAQ's which explained SKDC's housing needs. He further noted that the Council had been open and transparent with all aspects of the proposed Local Plan and explained that members had been invited to numerous meetings and workshops over the past 2 years. Councillor G Brown clarified that the Community Infrastructure Levy (CIL) money would be received by the Council for them to use as deemed necessary and explained that it was not possible for the Council to return to the 2017 draft Local Plan.
- ix. Councillor Waller commented that confusion with the papers should be enough for the Council to delay the decision and should not be considered a refusal to co-operate.
- x. In response to questions asked, Councillor G Brown confirmed that with regards to affordable homes, 30 % of the 650 dwellings would be affordable which would equate to 195 of the stock and explained that this had been a progressive piece of work over the past 3 years.
- xi. In response to a question asked by Councillor Woodley, the Monitoring Officer explained that any attempts by the Council to undermine the SKDC Local Plan would make Rutland County Council extremely vulnerable to a legal challenge and explained the Council's duty to cooperate.
- xii. Councillor Walters proposed and Councillor G Brown seconded that the question under consideration be put to the vote immediately in accordance with Constitution, Procedure Rule 48.
- xiii. Upon a vote, the motion that the vote be now put was carried.
- xiv. Councillor Dale proposed a recorded vote on the amendment submitted by Councillor A Brown. With the support of an excess of 5 members in agreement, it was confirmed that there would be a recorded vote.
- xv. Councillor A Brown as the mover of the amended motion was granted the right of reply at the close of the debate and summarised by stating that there was a need for justice and transparency. He commented that whilst the Planning Inspectorate may consider the proposed Local Plan as sound, he did not and nor did the affected residents of Rutland.

Upon the requisition for a recorded those in favour of the amendment were :

Councillors Baines, Bool, A Brown, Burrows, Cross, Dale, Jones, MacCartney, Oxley, Powell and Waller.

Those against the amendment:

Councillors Ainsley, Begy, Blanksby, G Brown, Coleman, Fox, Harvey, Hemsley, Lowe, Payne, Razzell, Stephenson, Walters, Wilby and Woodley.

## **RESOLVED**

The amendment to the motion was lost.

Councillor G Brown proposed and Councillor Hemsley seconded an amendment to the substantive motion.

The proposed amendment read:

“To include a new number and renumber the others accordingly:

- 1) Notes the Legal Duty to submit a Local Plan that Council considers to be sound and will only submit a Local Plan that is considered to be sound.
- 2) Approve the Pre-Submission Local Plan (Regulation 19 Publication Version) with the Policies Map so that it can be published for its statutory 6-week stage;
- 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. It is proposed that any non-material minor amendments (such as typographical, mapping, formatting, desktop publishing and design of the Local Plan) deemed necessary before the Local Plan is Submitted and during the Examination period will be delegated to, and made by, the Strategic Director of Places in consultation with the Local Plan lead Cabinet Portfolio Holder;
- 4) Agree that the Strategic Director of Places, in consultation with the Local Plan lead Cabinet Portfolio Holder, be authorised to request 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; and
- 5) Following this, that the same authority is given for making any main and additional modifications as part of the examination process and undertaking consultation on any such main modifications and consequential changes to the Submission version of the Local Plan so that a post-Examination Adoption version can be finalised in advance of taking the Local Plan back to Full Council for approval to be adopted”.

The Monitoring Officer explained in detail, the Constitutional Procedure Rule 37, ‘Amendments and Alterations to Motions’.

During discussion the following points were noted:

- i. Councillor Waller questioned why it was necessary to rush through the decision as she believed that additional time was needed for further consultation with residents and asked that Council reject the proposed amendment. She further raised questions about the MOD site at St George’s Barracks and queried the outcome if the MOD were unable to relocate within the agreed timeframe.

- ii. Councillor G Brown stated that he had spoken with the MOD and the Head of Defence Infrastructure Organisation who have confirmed in writing that they will be exiting the site within the agreed timeframe.
- iii. Councillor Cross stated that some Councillors were making decisions against what the residents wanted; he explained that he had wished to have submitted an amendment to allow an extension of the proposed 6 week consultation period to 3 months, but due to the Constitutional procedure was unable to do so. The extension of the consultation period would allow additional information to be given to the Council from Homes for England and the HIF bid.
- iv. In response to a question put by Councillor Baines, Councillor G Brown reported that whilst he was not currently in a position to confirm an extension to the consultation process, they did have the discretion to do so under their delegated powers.
- v. Councillor MacCartney commented that she had conversed with her local Parish Councils who were very much opposed to the Local Plan. She commented that the Local Plan needed to be done once and done properly and that there was a need to get the HIF properly arranged and the site allocations correct prior to approving the Plan and therefore urged Councillors to vote against the amendment.
- vi. Councillor Oxley stated that he had concerns about the HIF funding and questioned the position of the Council should the terms and conditions proposed by Homes England not be agreed and where the additional funding for St George's Barracks would come from.
- vii. Councillor Stephenson stated the Local Plan would ensure that the Council were in control of how Rutland develops and to delay it would leave the Council vulnerable to external interference. She stated that there was a real need for the Council alongside the residents of Rutland to control the development sites in the County.
- viii. Councillor G Brown commented that if the Council rejected the HIF money, the MOD could pass the land over to Homes England which could have a significant impact on Rutland housing development plan. It was explained that there would be an opportunity to have an early review of the Plan and the potential to bring forwards a review of site developments.
- ix. Councillor Burrows commented that she had joined the Council to help residents and considered that there was wide discontent about the St George's site.
- x. Councillor Jones reported that she had experienced negative feedback from parish Councils about the Local Plan and suggested that there had only ever been 1 option proposed and that there was a real need for the Council to reconnect and listen to the concerns of the residents. Councillor Powell echoed some of the concerns of Councillor Jones and explained that there were risks attached to progressing the local plan and noted that there were alternative options that should be given consideration.

- xi. Councillor Woodley stated that many of the residents in his ward welcomed the Local Plan. He voiced his concern about Policy EN8 (wind and solar policy) which had been written in 2012 and asked if the Cabinet Member could explain how the policies would be reviewed and the effect the Local Plan would have on this.
- xii. Councillor G Brown explained that the policies would be reviewed every 5 years after their adoption date.
- xiii. Councillor Dale commented that there was an urgent need to get a sound Local Plan in place to ensure that it would continue to be of benefit to future generations, stating that he could not vote in favour of the amendment and asked that a decision be delayed for a further 3 months.
- xiv. Councillor Dale proposed a recorded vote on the amendment submitted by Councillor G Brown. With the support of in excess of 5 members in agreement, it was confirmed that there would be a recorded vote.
- xv. Councillor Baines stated that he was not willing to support the amendment and emphasised the need for transport links and infrastructure to be put in place prior to any major developments.
- xvi. Councillor Harvey stated that she considered parts of the Plan very favourably, specifically the provision of land for show people and travellers. She thanked the Monitoring Officer for the advice that had been presented and concluded that she would be voting in favour.
- xvii. Councillor Cross commented that he considered the Council to be carrying out the work of a private land owner; fulfilling the needs of the MOD only and questioned the contents of the Memorandum of Understanding.
- xviii. Councillor Walters commented that whilst he had been out canvassing during the recent elections, he had received very little negative feedback about St George's Barracks from his local residents and did not consider there to be much opposition to the proposed development.
- xix. Councillor Hemsley reported that he and his Cabinet had listened to the concerns of people and recognised that some were against St George's development but considered it necessary to approve the Plan to protect the future of the County.
- xx. Councillor G Brown commented that the Local Plan wasn't part of a popularity contest but needed to be delivered as part of the commitment for residents and to get sound infrastructure in the County and noted that the additional HIF money would allow for improvements to public transport. He noted that there had been extensive consultation and changes made to the Plan as a result of the information received.

Upon the requisition for a recorded vote there voted in favour of the amendment:

Councillors Ainsley, Begy, Blanksby, G Brown, Coleman, Fox, Harvey, Hemsley, Lowe, Payne, Razzell, Stephenson, Walters, Wilby and Woodley.

There voted against the amendment:

Councillors Bool, A Brown, Burrows, Cross, Dale, Jones, MacCartney, Oxley, Powell and Waller.

Councillor Baines abstained.

**RESOLVED**

The motion was carried.

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**The Chairman declared the meeting closed at 9.58pm**

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