**PRE-SUBMISSION LOCAL PLAN REGULATION 19 REPRESENTATION RESPONSE BOOKLET**

**Guidance Note**

These notes are intended to assist you in making representations to Rutland County Council’s Pre-Submission Local Plan. At this stage of consultation, the Council is seeking views on whether the Local Plan is legally compliant and meets the tests of ‘soundness’, as set out in the National Planning Policy Framework (NPPF), and summarised in the boxes below.

# Soundness

* **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.
* **Justified** - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
* **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.
* **Consistent with national policy** - enabling the delivery of sustainable development in accordance with the policies including the National Planning Policy Framework.

# Legal Compliance

* The Local Plan should have been prepared in accordance with the Council’s latest Local Development Scheme.
* The Local Plan should be accompanied by a Sustainability Appraisal and Habitat Regulations Assessment.
* Consultation on the Local Plan should have been carried out in accordance with the Council’s Statement of Community Involvement.
* The Council should have worked collaboratively with neighbouring authorities and prescribed bodies on strategic and cross boundary matters, known as the Duty to Cooperate.
* 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.

**General Advice**

* This booklet has four parts:
* Part A – Contact Details
* Part B – Your Representation
* Part C – Future Notifications and Privacy Notice
* Part D – Other Monitoring Information
* You must provide your contact details within Part A of this booklet. We are unable to accept anonymous representations. The name of respondents and the representations made will be made available on the Councils website. Personal information such as telephone numbers, addresses, and email addresses will not be published. By submitting a representation you confirm your agreement to the publication of your name and consultation response.
* Please do not include any personal information within Part B of this booklet. All comments submitted as part of this consultation will be made publically available in reports and online.
* Comments which are deemed to be unlawful or discriminatory will be inadmissible and will not be accepted. We would ask that you avoid the use of such comments when making your representations.
* You will need to fill in a separate Part B for **each representation** that relates to a different part or issue of the Local Plan. This booklet contains five sets of questions in Part B for you to make five separate representations. Should you wish to make more than five separate representations please use additional booklets.
* You should be as concise as possible when making your comments.
* Where there are members of a group who share a common view on the Local Plan, a single representation will be sufficient. In such cases the group should indicate how many people it is representing and how the representation has been authorised.
* Responses must be received by the Council no later than 4.15pm on Friday 6th November 2020.

**Part A – Contact Details**

# Please tick as appropriate:

Responding as an individual (complete section 1)

☐

Agent responding on behalf of a client (complete sections 1 and 2)

☐

Responding on behalf of an organisation (complete section 2)

☐

Title

First Name

Last Name

Job Title/Dept

Organisation

Address Line 1

Line 2

Line 3

Line 4

Postcode

Tel. No (Daytime)

Email

Title

First Name

Last Name

Address Line 1

Line 2

Line 3

Line 4

Postcode

Tel. No (Daytime)

Email

**2. Organisation/Agent Details (Please complete in block capitals)**

**1. Individual/Client Details**

**(Please complete in block capitals)**

**Part B – Your Representation**

Important note: You must complete a separate Part B for **each representation** that relates to a different part or issue of the Local Plan. Part B contains five sets of questions for you to make five separate representations. Should you wish to make more than five separate representations please use additional booklets.

**Chapter 3, The Vision and Strategic Objectives**

# 1. To which part of the Pre-Submission Local Plan does this representation relate?

|  |  |
| --- | --- |
| Paragraph Number | Strategic Objective 2: Deliver a new Garden Community |
| Policy Number |  |
| Table Number |  |
| Figure Number |  |
| Appendix |  |
| Policies Map Reference |  |

**2a. Do you consider the Pre-Submission Local Plan to be legally compliant?**

Yes No

☐

X☐

**2b. If you responded no, please provide an explanation below (See Guidance on Page 1)**

*The process of public consultation on the draft Local Plan was fatally flawed by the act of the Chief Executive and Council Leader secretly signing an MoU with the MOD agreeing to develop the St Georges Barracks site for housing once the MoD closed the location*

*The MOU was signed in early September 2017 under the allegedly delegated authority of the Chief Executive, apparently under a section of the Council Constitution “admittedly widely*

*drawn”, the monitoring officers words, which allowed the Chief Executive to act in furtherance of operational efficiency.*

*This act, and the subsequent secrecy around the contents of the MoU (it required two FOI requests and and appeal to ICO against the MoD refusal to release the documents under the commercial confidentiality to obtain a redacted version of the MoU) prevented any further meaningful consultation on the Local Plan Policy from that point onwards.*

*The Regulation 18 Consultation of 2017 was therefore null and void as the strategy and policies had been completely negated - the version of the Local Plan being presented for Regulation 19 Consultation is a totally different document to the one available for discussion during the Regulation 18 Consultation process.*

*The "additional consultation" on St Georges Barracks held in 2018 gave residents no opportunity to challenge the overall Plan, and was actually a consultation specifically limited to the St Georges Barracks Masterplan , not the insertion of the new Strategic Site in the Local Plan and a complete change of strategy for Spatial development.*

**3a. Do you consider the Pre-Submission Local Plan to be sound?**

Yes No

**3b. If you consider the Pre-Submission Local Plan to not be sound, please select which test(s) of soundness this relates to? (See Guidance on Page 1)**

☐

X☐

Positively prepared Justified

x☐

x☐

Effective Consistent with national policy

x☐

☐x

*The Plan was not “ shaped by early ,proportionate and effective engagement between plan makers and communities” as required by the NPPF.*

*The current proposed special strategy has not evolved in this way. In addition, since 2018, there has been a very significant opposition to the proposed allocation of SGB. Therefore, the Council has chosen to promote a new settlement without the support of their local communities. This is contrary to national policy as set out in NPPF para 72.*

*In addition*

*The current strategy identifies strategic development which is:*

*i) Not in an accessible suitable location.*

*ii) Not located where the identified need is.*

*iii)Is of insufficient scale to be considered reasonably self-contained.*

*iv)Does not support the vitality of existing centres.*

*v)Places too strong an emphasis of the merits of the re-use of previously developed land.*

**3c. Please provide an explanation below.**

**4. Please set out the modification(s) you consider necessary to make the Pre-Submission Local Plan legally compliant and/or sound, including any revised wording.**

*RCC should revert the current version of the Draft Local Plan for a full Regulation 18 Consultation, with an appropriate, full, evidence base, including a sustainability appraisal for the proposed SGB development)*

**5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?**

No, I do not wish to participate at the oral examination

x☐x

Yes, I wish to participate at the oral examination

☐

**6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

*(Continue on a separate sheet if necessary)*

**Please note:** It is the Inspector that will determine the most appropriate way to hear those who have indicated that they wish to participate at the oral examination.

**Chapter 5, Delivering Quality New Homes**

# 1. To which part of the Pre-Submission Local Plan does this representation relate?

|  |  |
| --- | --- |
| Paragraph Number |  |
| Policy Number | Policy H4 – Cross Boundary Development Opportunity – Stamford North |
| Table Number |  |
| Figure Number |  |
| Appendix |  |
| Policies Map Reference |  |

**2a. Do you consider the Pre-Submission Local Plan to be legally compliant?**

Yes No

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x☐x

**2b. If you responded no, please provide an explanation below (See Guidance on Page 1)**

*Para 27 of the NPPF states that in order to demonstrate effective and on- going joint working, strategic policy making authorities should prepare and maintain one or more Statements of Common Ground,(SoCG) documenting the cross boundary matters being addressed and progress in cooperating to address these.*

*These should be produced using the approach set out in the Guidance and be publicly available throughout the plan making progress to provide transparency.*

*The Guidance is clear that a SoCG also forms part of the evidence that is required to demonstrate that the Council has complied with the Duty to Cooperate.*

*Although there is reference to an RCC SoCG with respect to Stamford N., it has not been prepared, not available to the public and not endorsed by the Council.*

*The South Kesteven District Council SoCG was not discussed until 2019, well after any consultation process on the topic*

*It is now too late to comply with the para 27 requirement that the requisite SoCG be publicly available throughout the plan making process.*

**3a. Do you consider the Pre-Submission Local Plan to be sound?**

Yes No

**3b. If you consider the Pre-Submission Local Plan to not be sound, please select which test(s) of soundness this relates to? (See Guidance on Page 1)**

☐

x☐xx

Positively prepared Justified

x☐

x☐

Effective Consistent with national policy

x☐x

x☐

*The failure to consider incorporating the Stamford North site and the 605 dwellings to be built in Rutland, as a reasonable alternative to meet Rutland’s housing needs, means that the Plan fails the soundness test of “justified taking into account reasonable alternatives”.*

*There is no argument that Quarry Farm is a very sustainable location for new housing and that the two authorities should cooperate to provide the necessary infrastructure. Stamford boundaries might be tightly drawn, but they are a town council with no objectively assessed housing need. Para 5.24 states that As the Quarry Farm site is required to enable the delivery of sufficient land to meet the housing needs of Stamford and South Kesteven the number of houses delivered on this site will contribute towards meeting South Kesteven’s Local Housing Need rather than Rutland. As a justification for gifting housing numbers to SKDC the logic is fundamentally flawed. Stamford does not have a Local Housing Need and Kesteven does not need Quarry Farm to meet it’s LHN. The issue of where to count the housing numbers is purely a matter of choice for Rutland.*

**3c. Please provide an explanation below.**

**4. Please set out the modification(s) you consider necessary to make the Pre-Submission Local Plan legally compliant and/or sound, including any revised wording.**

*(Continue on a separate sheet if necessary)*

**5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?**

No, I do not wish to participate at the oral examination

x☐x

Yes, I wish to participate at the oral examination

x☐

**6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

*(Continue on a separate sheet if necessary)*

**Please note:** It is the Inspector that will determine the most appropriate way to hear those who have indicated that they wish to participate at the oral examination.

**Chapter 3, The Vision and Strategic Objectives**

# 1. To which part of the Pre-Submission Local Plan does this representation relate?

|  |  |
| --- | --- |
| Paragraph Number |  |
| Policy Number | Strategic Objective 10: Sustainable transport and Infrastructure |
| Table Number |  |
| Figure Number |  |
| Appendix |  |
| Policies Map Reference |  |

**2a. Do you consider the Pre-Submission Local Plan to be legally compliant?**

Yes No

x☐x

☐

**2b. If you responded no, please provide an explanation below (See Guidance on Page 1)**

*(Continue on a separate sheet if necessary)*

**3a. Do you consider the Pre-Submission Local Plan to be sound?**

Yes No

**3b. If you consider the Pre-Submission Local Plan to not be sound, please select which test(s) of soundness this relates to? (See Guidance on Page 1)**

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x☐xxx

Positively prepared Justified

x☐

x☐

Effective Consistent with national policy

x☐

x☐x

*Strategic Objective 1: Sustainable locations for development / Policy H3 – St Georges Garden Community development requirements*

*•The Traffic studies severely overestimate the current actual use of sustainable transport. They are based on the 2011 Census and a traffic survey from October 2018.*

*oThe 2011 Census would have included the entire Army Regiment that was housed on and around the barracks - living in the same location that they work with no requirement to commute*

*oThe Traffic assessment was based on trip rates relating to an urbanised area, with access to public transportation. No allowance has been made in the assessment for the rural location and minimal public transport available at St Georges*

*oThe Census data also refers to the total Normanton Population - if you remove non working residents the % using cars and vans for travel to work rises to 70%*

*oA traffic survey in October would not capture the volume of tourism traffic generated by the Anglian Water recreation site at Normanton - the car park overflows onto the roads there regularly in the summer and has required the use of double yellow lines on the highway to control overspill parking*

*oLocating 700+ affordable housing units in an area with no suitable lower wage employment opportunities will mean the majority of the residents of these units will need cars to travel to their workplaces*

*Strategic Objective 10: Sustainable transport and infrastructure / Policy SC2 - Securing sustainable transport*

*same objections as above, + the allowance of £4 million as a public transport subsidy has no indication of the level of service that would be aimed for, no time period where the subsidy would be in place, and no indication as to the numbers of housing units that would need to be in place before the subsidy was implemented to enable public transport*

*The SGB website has a recommendation to undertake more transport assessments in response to the consultation. The Local Plan policies have been written ahead of the findings being undertaken and published.*

**3c. Please provide an explanation below.**

**4. Please set out the modification(s) you consider necessary to make the Pre-Submission Local Plan legally compliant and/or sound, including any revised wording.**

*The suggestion for remediation would be to complete a full traffic assessment of the site, with more accurate and representative figures being used for the model and input into the Viability report*

**5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?**

No, I do not wish to participate at the oral examination

x☐

Yes, I wish to participate at the oral examination

☐

**6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

*(Continue on a separate sheet if necessary)*

**Please note:** It is the Inspector that will determine the most appropriate way to hear those who have indicated that they wish to participate at the oral examination.

**Chapter 3. The Vision and Strategic Objectives**

# 1. To which part of the Pre-Submission Local Plan does this representation relate?

|  |  |
| --- | --- |
| Paragraph Number |  |
| Policy Number | Strategic Objective 2: Deliver a new garden community |
| Table Number |  |
| Figure Number |  |
| Appendix |  |
| Policies Map Reference |  |

**2a. Do you consider the Pre-Submission Local Plan to be legally compliant?**

Yes No

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x☐xxxx

**2b. If you responded no, please provide an explanation below (See Guidance on Page 1)**

*In the ‘Local Plan - Pre-Submission Viability Update’ produced by HDH, there is the following statement: “The modelling of the St George’s Barracks site is consistent with the modelling of the site within the HIF bid. This is to say, the area is taken to be 73.83ha. The St. George’s Barracks Site is a site with a range of land uses. In planning terms it is previously developed land, so is a brownfield site. Having said this much of the site is the open grassland of the airfield, we have therefore modelled, for the purpose of this viability assessment, the site as a greenfield site”. (HDH Report para 9.5).*

*The values attributed to this assessment are as follows ((HDH report para 6.23):-*

*Existing Use Value Land Prices £/ha*

*November 2019 Brownfield Land £600,000*

*Greenfield Land Agricultural £20,000*

*Paddock £50,000*

*If, as stated throughout the Local Plan document, and all communication from RCC (and being presented as the main reason SGB should be developed) the SGB site is entirely brownfield then cost modelling based on the entire site being classed as greenfield, as subsequently undertaken by HDH, grossly underestimates the actual costs to potential developers.*

*The 73.83ha referred to is completely build upon, and should certainly be classified as Brownfield.*

*The Barracks administration area is completely built upon, and certainly should be classified as Brownfield)*

**3a. Do you consider the Pre-Submission Local Plan to be sound?**

Yes No

**3b. If you consider the Pre-Submission Local Plan to not be sound, please select which test(s) of soundness this relates to? (See Guidance on Page 1)**

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x☐

Positively prepared Justified

x☐

x☐

Effective Consistent with national policy

x☐

x☐

*The SGB Masterplan includes provision for an extensive quarry in relatively close proximity to the residential development. As this provision will be identified in searches etc. we believe that this will have a negative impact on house prices across the site which, in turn, will have an impact on the value of the land itself. This is an unusual juxtaposition of uses and there is no evidence that this has been taken into account in the viability assessment.*

**3c. Please provide an explanation below.**

**4. Please set out the modification(s) you consider necessary to make the Pre-Submission Local Plan legally compliant and/or sound, including any revised wording.**

*The Viability assessment for the SGB Strategic site should be reviewed and costed at the true value of the Brownfield site that it actually is.*

*The viability assessment should model the impact of the large area potentially available for quarrying in very close juxtaposition to the housing development area on potential developers returns*

**5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?**

No, I do not wish to participate at the oral examination

x☐x

Yes, I wish to participate at the oral examination

☐

**6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

*(Continue on a separate sheet if necessary)*

**Please note:** It is the Inspector that will determine the most appropriate way to hear those who have indicated that they wish to participate at the oral examination.

**Policy EN7 – The Natural Environment**

# 1. To which part of the Pre-Submission Local Plan does this representation relate?

|  |  |
| --- | --- |
| Paragraph Number | 5 |
| Policy Number | EN7 |
| Table Number |  |
| Figure Number |  |
| Appendix |  |
| Policies Map Reference |  |

**2a. Do you consider the Pre-Submission Local Plan to be legally compliant?**

Yes No

☐

x☐

**2b. If you responded no, please provide an explanation below (See Guidance on Page 1)**

*Paragraph 5 of this policy does not meet the test of legal compliance.*

*The policy states that:*

*“Development proposals that cannot exclude the possibility of SIGNIFICANT adverse effects on the integrity of any internationally designated site following an appropriate assessment, either alone or in combination will not be permitted unless ……”*

*The logical interpretation of this policy is that:*

*any adverse affect must be significant (rather than simply an adverse affect) and*

*there must be multiple adverse affects for the requirements of the policy to be triggered.*

*This differs from the requirements set out in paragraph 61 (5) of The Conservation of Habitats and Species Regulations 2017 (as amended):*

*(5) In the light of the conclusions of the assessment, and subject to regulation 62 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will NOT adversely affect the integrity of the European site or the European offshore marine site (as the case may be).*

*The policy proposed by RCC has set a lower threshold for the damaging impacts of development proposals than that required by the law. The policy requires any adverse affect to be both significant and for there to be more than one of them. It is not right or appropriate for Rutland County Council to interpret the law in this way.*

**3a. Do you consider the Pre-Submission Local Plan to be sound?**

Yes No

**3b. If you consider the Pre-Submission Local Plan to not be sound, please select which test(s) of soundness this relates to? (See Guidance on Page 1)**

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x☐

Positively prepared Justified

☐

☐

Effective Consistent with national policy

x☐x

x☐

*The policy proposed by RCC has set a lower threshold for the damaging impacts of development proposals than that required by the law.*

**3c. Please provide an explanation below.**

**4. Please set out the modification(s) you consider necessary to make the Pre-Submission Local Plan legally compliant and/or sound, including any revised wording.**

*The Policy wording should be revised to ensure No Adverse effects on Internationally designated sites are permitted from development or projects*

**5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?**

No, I do not wish to participate at the oral examination

x☐x

Yes, I wish to participate at the oral examination

☐

**6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

*(Continue on a separate sheet if necessary)*

**Please note:** It is the Inspector that will determine the most appropriate way to hear those who have indicated that they wish to participate at the oral examination.

**Part C – Future Notifications and Privacy Notice**

# Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box(es):

Submission of the Local Plan to the Secretary of State for independent examination under Section 20 of the Planning and Compulsory Purchase Act 2004

☐

Publication of the recommendations of the Planning Inspector appointed by the Secretary of State to carry out the independent examination

☐

Adoption of the Local Plan by the Council

☐

Future revisions to the Local Plan, new planning policies and guidance

☐

# How we will use your information

We will use your details to contact you regarding your comments on the Local Plan consultation.

In submitting comments to this consultation we are also required, under The Town and Country Planning (Local Planning) (England) Regulations 2012, to notify you of when the independent examination will take place. We will use the contact details you have provided to do this.

**Please note:** At the end of the consultation period, all comments will be made public and will be submitted to the Secretary of State, **who will pass them to a Planning Inspector,** along with the Local Plan and other relevant supporting documents. Your comments and name will be published, but other personal information will remain confidential.

Your comments will be reviewed by the independent Planning Inspector appointed by the Secretary of State to carry out the independent examination for the Local Plan. You may be invited to discuss your comments at the oral examination if you have expressed a wish to do so.

If you chose not to provide your data for this purpose, or ask us to erase your data, you will be unable to participate in the Local Plan process.

If you would like to find out more about how the Local Plan Team at Rutland County Council use your personal data please go to<https://www.rutland.gov.uk/my-council/data-protection/privacy-notices/planning-policy/local-plan/>.

**Part D – Other Monitoring Information**

We are asking for the following information so that we can ensure that the consultation has been accessible to everyone. We are required to do this by the Equality Act 2010. This is however an **optional** part of the form. Any personal data provided will not be published alongside your representation.

# 1. What best describes your gender?

Male Female

☐

☐

Transgender Prefer not to say

☐

☐

Prefer to self-describe:

# 2. What age group do you belong to?

Under 16 years 16-24 years 25-34 years 35-44 years

☐

☐

☐

☐

45-54 years 55-64 years 65-74 years 75+ years

☐

☐

☐

☐

# 3. Do you consider yourself to be a disabled person?

Yes No

☐

☐

# 4. What is your sexual orientation?

Bi-sexual Heterosexual Gay Lesbian

☐

☐

☐

☐

Prefer not to say

☐

# 5. What is your religion?

None Christianity Judaism Islam

☐

☐

☐

☐

Buddhism Sikhism Hinduism Other

☐

☐

☐

☐

Prefer not to say

☐

If other, please state:

# 6. What is your ethnicity?

White British White Irish

☐

☐

Gypsy or Traveller Travelling Showperson

☐

☐

Any other White background Asian or Asian British: Bangladeshi

☐

☐

Asian or Asian British: Chinese Asian or Asian British: Pakistani

☐

☐

Any other Asian or Asian British Black or Black British: African  
background

☐

☐

Black or Black British: Caribbean Any other Black or Black British background

☐

☐

Mixed: White and Black African Mixed: White and Black Caribbean

☐

☐

Mixed: White and Asian Any other background

☐

☐

Prefer not to say

☐

If other, please state:

# Signature: Date:

Please return this form to Rutland County Council no later than **4.15pm** on **Friday 6th November 2020**:

**By Email**: localplan@rutland.gov.uk

**By Post**: Local Plan Team, Rutland County Council, Catmose House, Catmose Street, Oakham, LE15 6HP