

COUNCIL - 15th November 2016

**RUGBY BOROUGH LOCAL PLAN –
PUBLICATION DRAFT CONSULTATION UPDATE**

REPORT OF THE EXECUTIVE DIRECTOR

1. Introduction

1.1. The Borough Council is in the process of preparing a Local Plan to replace the Core Strategy adopted in 2011. The Plan will outline a strategic vision for Rugby Borough in response to the economic, social and environmental issues facing the area. Allocations and policies within the plan will direct development required to support the growth of the Borough in the period 2011-2031.

1.2. The emerging Plan is being prepared under the Planning and Compulsory Purchase Act 2004. The Publication Draft is the final plan making stage before submission of the Local Plan for examination. Formal consultation on the “soundness” of the Publication Draft closed on 11th November and attracted a considerable amount of public and press attention.

1.3. There have been numerous public requests to extend the period of consultation including from local MPs and Councillors. The purpose of this report is to set out options for Council in relation to this consultation. This report is being submitted to Council meeting agenda late and as an urgent item. The report is urgent as officers have advised that there is no route within the Council’s constitution which would allow a decision of Council to be amended and the consultation period extended.

2. Background

2.1. The Publication Draft Local Plan has been produced following three previous stages of public consultation on the emerging Rugby Borough Local Plan. In 2013, the Borough Council consulted on a *Discussion Document* that outlined potential policy proposals. In 2014, consultation on the *Development Strategy Document* outlined changes to the evidence base informing local planning policy and proposed that the Core Strategy be replaced by a new Local Plan. In December 2015, the *Preferred Option* was published; this outlined proposed development targets, distribution strategy and development management policies for the purposes of public consultation.

2.2. The Publication Draft was agreed by Council in July this year. The decision made by Council was clear and specific and in addition to the highly significant planning matters contained within the Local Plan, the report to Council agreed the procedural parameters for the consultation based on the following provisions:

- A six-week period of formal consultation from 26th September to the 11th November
- Publication of the actual Local Plan document, and therefore the main substance of the planning proposals, from June and advanced notice of its publication to Parish Councils.

2.3 By way of context, Council should note that this consultation has been undertaken entirely in conformity with the regulatory requirement of the 2004 Planning and Compulsory Purchase Act (as amended) and the Council's adopted Statement of Community Involvement which specifically states that the consultation on a Publication Stage Local Plan will last for 6 weeks.

2.4 Notwithstanding this background, in recent weeks Cabinet members have been considering the potential to extend the consultation on the Publication Draft Local Plan. The largest proposed allocations within the Publication Draft to the South West of Rugby and at Lodge Farm to the south of the Borough have caused understandable concern amongst the local communities. The aim of additional consultation time would be to allow these communities longer to fully understand the proposals and make comment on their soundness. Any additional consultation would be on the same proposals which remain the Council's preferred planning strategy for the Borough.

2.5 Additional consultation time would create the opportunity for the Council to engage more directly with local communities who have expressed their concern in order to ensure all matters are fully considered in formulation of the plan. Many of the concerns expressed to officers and Members through the consultation to date have focussed on effective delivery of infrastructure and particularly highways impacts. In response to these concerns it is clear that the Council has additional technical work to undertake in partnership with Warwickshire County Council and the extension of the overall timetable for plan production will create additional time for this work. Warwickshire County Council have advised that this additional highways analysis will not be substantially complete until February 2017.

3. Constitutional Considerations

3.1 In response to several requests for an extended period of consultation the Council has had to be mindful of the provisions of the Council's constitution. It is essential to ensure that the Council is operating in accordance with the legal framework created by the Constitution. Officers and Members have no legal authority to alter or vary the decision made by Council to consult until 11th November without a contrary decision by Council which has not been possible until this meeting. It is clearly essential that the Council does not put itself at unnecessary risk of legal challenge in this process and it is for this reason that the only option available to Council is to commence an additional, replica consultation on the same proposals.

4. Technical Requirements

4.1. There is a wide range of statutory requirements that must be followed in the formulation of a Local Plan in order for it to be found legally compliant and sound by the Planning Inspectorate. Regulation 19 of the Town and Country Planning Regulations 2012 requires that all documents that are to be submitted to the

Secretary of State must be made available for public inspection for the six week period. In order that the Council is able to ensure any additional consultation time is compliant with regulations it must run for six weeks and certain procedural steps must be taken relating to advertisement and associated publications. In order to achieve these steps such a consultation could not commence until 30th November.

4.2. It is important to ensure that any additional consultation time is undertaken formally and in line with the regulations in order to give any respondents the same status in the process and at the Examination in Public as respondents to date. Should Council decide to commence additional consultation, officers would take steps to ensure that any responses to the plan made between 11th November and 30th November would be valid and considered.

5. Available Options

5.1. As covered above, there is no regulatory or technical imperative to undertake additional consultation at this stage of plan preparation however Cabinet members are keen to respond to local concerns and ensure that the plan preparation process is as effective as possible given the importance of the proposals to the future of the Borough. On this basis, Council has the following options:

1. Undertake an additional six-week period of public and stakeholder consultation running from 30th November 2016 until the 11th January 2017.
2. Do not undertake additional consultation and continue to progress the plan preparation in line with the previous decision of Council.

5.2 It is clear that the additional technical work required and the need for additional focussed discussion with affected communities will impact upon the overall timetable for plan preparation. Regardless of which of the above options are chosen by Council, officers will report to Planning Services Working Party at the earliest opportunity to advise them on the implications for the plan preparation timetable.

5.3 In order to ensure that Council has all of the necessary information available to understand the implications of this decision it should be noted that delays to the plan preparation process will delay plan adoption and mean the Council's adopted Development Plan is out of date for longer. This will inevitably increase the risk of Government intervention in the process and increasing the likelihood of piecemeal opportunistic developments being permitted. The delayed process is also more likely to see overall development targets increase (as they continue to do nationally) and allow changes to Government policy and guidance that could in themselves create further delays.

6. Recommendation

The options detailed at paragraph 5.1 of the report be considered.