



Rutland
County Council



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Rutland Local Plan and South Kesteven Local Plan Review
Statement of Common Ground
Rutland County Council & South Kesteven District Council
October 2023

1. Introduction

- 1.1 This Statement of Common Ground (SoCG) has been developed in order to address Strategic Planning Matters between the parties of Rutland County Council and South Kesteven District Council. A map of the area is shown in section 5.
- 1.2 The two Authorities are part of the Peterborough Sub-Region Housing Market Area (HMA) and Functional Economic Market Area (FEMA).
- 1.3 A separate Statement of Common Ground is considered necessary in order to address specific issues that relate to the two authorities regarding their respective development plan.
- 1.4 The Statement sets out the confirmed points of agreement between the parties with regard to:
 - Development of a Strategic Development Area at 'Stamford North' that crosses the administrative boundaries of Rutland County and South Kesteven District;
 - The distribution of housing requirements between Rutland CC and South Kesteven DC; and
 - Infrastructure implications arising from planned growth in the respective Local Authority areas, with particular respect to the Stamford North development.
- 1.5 The purpose of the Statement of Common Ground is to inform the preparation of the Rutland Local Plan and the South Kesteven Local Plan Review.
- 1.6 The Statement of Common Ground (SoCG) provides a framework for compliance with the Duty to Co-operate and obligations arising from Section 110 of the Localism Act 2011 and paragraphs 24 to 27 of the National Planning Policy Framework (2019). The statement is prepared in accordance with the Planning Practice Guidance.

2. Background

- 2.1 Rutland County Council and South Kesteven District Council are public bodies that are the Local Planning Authorities (LPA) for their respective administrative areas. They are prescribed Bodies for the purposes of the Duty to Cooperate.

- 2.2 The development of 'Local Plans' for each Authority has involved ongoing cooperation between the parties in order to ensure that cross boundary and strategic issues are appropriately addressed.
- 2.3 This Statement of Common Ground reflects the agreed position between Rutland County Council and South Kesteven District Council to assist in the preparation of their respective development plans.
- 2.4 The South Kesteven District Local Plan was adopted in January 2020. The Inspector's final report on the current Local Plan (2011 - 2036) commits the Council to undertake an early review of the Local Plan from April 2020. The review enables necessary updates of evidence, and the Council to consider whether its local housing need has changed and needs to be re-evaluated taking into consideration changes to national planning guidance. South Kesteven District Council have completed an Issues and Options consultation and are currently proposing to undertake public consultation under Regulation 18 of the Local Plans Regulations regarding a draft Local Plan review in Winter 2023.
- 2.5 In September 2021, Rutland County Council committed to producing a new Local Plan for the County. It has also undertaken an Issues and Options consultation and is preparing a "Preferred Options" Local Plan for public consultation under Regulation 18 in Autumn 2023.
- 2.6 The Stamford North Urban Extension is a strategic development area that comprises a 153-hectare site, of which approximately 84 hectares is within South Kesteven District and approximately 69 hectares in Rutland County. The South Kesteven Local Plan allocates some 1,350 dwellings on the site and it is proposed that there will be no more than 650 dwellings allocated within Rutland County.
- 2.7 This SoCG commits the two Local Planning Authorities to working jointly to plan for a comprehensive development of the Stamford North site, including – where appropriate –the development of a joint evidence base; development of co-ordinated planning policies; governance of the planning process (including roles and responsibilities); mitigation of risks; and implementation of the joint planning process, including the co-ordination of infrastructure planning, funding, and delivery.
- 2.8 With regard to housing requirements and distribution, the SoCG seeks to agree the position between the parties with regards to meeting the identified housing needs for each authority area. This is on the basis that housing development within the separate two local authority areas of the Stamford North site (total

capacity of 2,000 dwellings) will contribute to each respective authority's housing needs (i.e. the proposed development of 1,350 dwellings within South Kesteven District Council would contribute to South Kesteven's housing needs and the proposed development of 650 dwellings with Rutland County Council would contribute to Rutland's housing needs). There is therefore no requirement on either authority to meet the unmet needs of the other.

3. Areas of Common Ground

Development of a Strategic Development Area at 'Stamford North'

- 3.1 The South Kesteven Local Plan (SKLP) allocates a site of some 153 hectares of land at Stamford North. The allocation seeks to deliver some 2,000 houses (including 650 to be delivered within Rutland's administrative area at Quarry Farm) as well as the necessary supporting infrastructure.
 - 3.1.1 The parties agree that:
 - 3.1.2 The principle of development and associated infrastructure at Stamford North will be considered through the Rutland Local Plan and the South Kesteven Local Plan Review, whilst recognising that an allocation of land is already set out in Policy STM1 of the current adopted South Kesteven Local Plan.
 - 3.1.3 The proposed quantity (1,350 houses within South Kesteven District and no more than 650 houses within Rutland County's administrative area) and extent of the total 2,000 houses is agreed.
 - 3.1.4 With regard to housing requirements and distribution, the development within each local authority area will contribute to each authority's housing needs (i.e., the proposed development of 1,350 dwellings within South Kesteven District Council would contribute to South Kesteven's housing needs and the proposed development of 650 dwellings with Rutland County Council would contribute to Rutland's housing needs).
 - 3.1.5 Development within Rutland County's administrative area will include: a country park; a link road facilitating the east / west connection of the Old Great North Road, Little Casterton Road and Ryhall Road.
 - 3.1.6 Development within South Kesteven's administrative area will include a new link road, connecting Ryhall Road to Little Casterton Road and Old Great North Road (within Rutland's administrative area); a new primary school; expansion of school place capacity of the secondary school; a local centre; contributions to healthcare provision.

- 3.1.7 South Kesteven District Council will work with Rutland County Council to ensure that design principles for the entire site are agreed by both councils, be that through the preparation of a development brief and/or design code, to ensure a comprehensive cross boundary development. It is understood that whilst South Kesteven District Council has the policy basis to adopt any such brief as a Supplementary Planning Document, Rutland County Council will not be able to adopt it until the new Local Plan is in place.
- 3.1.8 Necessary community infrastructure to support the scale of development proposed will be provided within the administrative areas of Rutland County and South Kesteven District and will be agreed jointly by both parties. Provision of infrastructure will be secured either by direct 'on-site' provision or through financial contributions via Section 106/Community Infrastructure Levy (CIL) for off-site provision. Development in South Kesteven District is subject to Section 106 contributions; and development in Rutland County is subject to Community Infrastructure Levy and Section 106. Rutland County Council agrees to consult and reach agreement with SKDC in relation to the funding of infrastructure required to be delivered by statutory undertakers within Rutland County Council and South Kesteven District.
- 3.1.9 It is acknowledged that there is likely to be an impact on the existing infrastructure of Stamford, including schools, public transport, the town centre and health facilities. To ensure the development as a whole mitigates its impact on infrastructure, Rutland County Council agrees to prioritise expenditure of CIL receipts generated by the Stamford North development on projects that are either critical to enable the development to go ahead or are essential to mitigate the impact of the development on infrastructure, including infrastructure to be wholly located within South Kesteven District. It will consult and seek to reach agreement with SKDC through the governance arrangements set out below prior to any decisions made with regard to the CIL receipts generated from the Rutland County portion of the Stamford North development.
- 3.1.10 Joint working will take place at locations outside the immediate site boundary of Stamford North, where necessary, to support and / or enable development within that boundary (for example, necessary infrastructure upgrades).
- 3.1.11 The respective development plans for each party will make appropriate provision to enable the comprehensive development of Stamford North.
- 3.1.12 Measures to mitigate environmental impacts will be jointly pursued. These include: surface water flooding; ecology & biodiversity; geotechnical issues; the

existing movement network across the site, including public footpaths; views to and from heritage assets; and landscape and visual impacts.

- 3.1.13 Measures will be pursued to limit and mitigate any transport impacts, particularly in relation to the A1 which runs to the west of the proposed development.
- 3.1.14 Ongoing discussions will take place between the partners during the development and consideration of planning applications if any material cross boundary issues or impacts are identified in relation to the proposal.

Transport implications for the A1 and Local Highway network

- 3.2 The A1 trunk road falls within the administrative areas of both Rutland County and South Kesteven District. Proposed growth in both authorities (and in particular at Stamford North) has the potential to increase vehicular movements that access the strategic and local highway network. Both South Kesteven District Council and Rutland County Council have carried out transport assessments in order to understand the impacts of proposed growth. The assessments have identified that highway improvement schemes are required to mitigate potential impacts. The findings of the transport assessments have been shared with Highways England, Lincolnshire County Council and Rutland County Council Local Highway Authority.

The parties agree that:

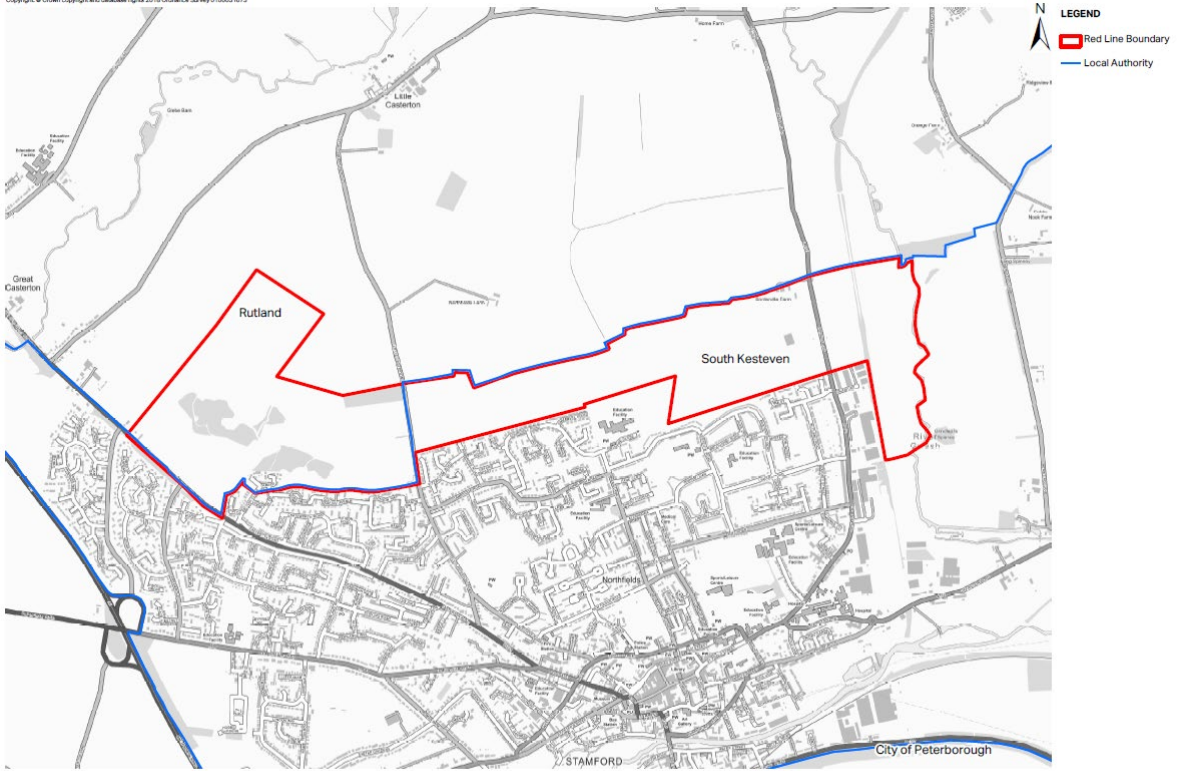
- 3.2.1 Based on available transport evidence, the impact of proposed growth identified within the Rutland Local Plan, when considered cumulatively with growth proposed in the South Kesteven Local Plan, is theoretically capable of being mitigated through improvements to links and junctions including, but not limited to, improvements to the A1 / A606 junction and provision of a link road facilitating the east / west connection of the Old Great North Road, Little Casterton Road and Ryhall Road. Mitigation measures are subject to final comment from Highways England and the respective Highways Authorities.

4.0 Governance

- 4.1 This SoCG commits the strategic planning and democratic resources of both Councils to work together in the joint planning process. The terms of reference for the Project Board to be established are set out in Appendix 1 to this statement.
- 4.2 In terms of governance arrangements the two authorities agree to adopt the principles of open communication and the sharing of information. More specifically both Councils agree:

- That both parties will continue to work together to ensure that the Stamford North development is delivered in a comprehensive way;
- To produce a Project Plan showing key work stages and timetable to align and co-ordinate policy and evidence;
- Align decision-making;
- Seek to reach agreement prior to any decisions made with regard to these specific CIL generated from the Rutland County portion of the Stamford North development;
- To keep each other well informed on both an informal and formal basis of matters arising which are likely to have significant cross-boundary implications;
- To work together to achieve identified outcomes in relation to strategic matters;
- To review and update this Statement in light of any material change in circumstance such as: major changes to legislation or guidance; material changes to policy and strategy in the emerging plans;
- To adopt positive principles of cooperation; and
- Establish a bipartite structure of a Project Board for the purposes of the joint planning exercise and to work together to enable the delivery of the critical infrastructure required to support the level of development proposed across the whole site.
- To work together and ensure agreement of any development brief and/or design code produced (be that by the council or developers). Any such document must be cross boundary, covering the entire site.

5.0 Map of Strategic Planning Area



Red Line Boundary
Land North of Stamford



Appendix 1 – Terms of reference

Terms of Reference

South Kesteven District Council & Rutland County Council Joint Board on Strategic Planning Matters of Mutual Interest

September 2023

Principles of governance Scope of the Joint Strategic Planning Board

1. The Joint Strategic Planning Board (“the Board”) has the purpose of enabling both Councils to work collaboratively to meet their current Duty to Cooperate and any future matters of strategic planning of mutual interest. Paragraph 24 of the National Planning Policy Framework states:

‘Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.’

2. South Kesteven District Council and Rutland County Council (each an “authority”) agree to the following principles of governance when carrying out joint planning. The Board should:

- (a) provide strategic oversight and direction;
- (b) be based on clearly defined roles and responsibilities at organisation, group and, where necessary, individual level;
- (c) align decision-making authority with the criticality of the decisions required;
- (d) be aligned with the overall scope and each stage of the joint planning process (and may therefore require changes over time);
- (e) leverage existing organisational, group and individual joint working arrangements;
- (f) provide coherent, timely and efficient decision-making; and
- (g) correspond with the key features of the governance arrangements.

Joint Strategic Planning Board

3 Items for consideration by the Board will be agreed by both parties and added to the agenda of the subsequent Board meeting, with the identification of a lead officer. The Board will meet at least once a quarter.

4 Each authority will provide a senior officer as part of its resource commitment to act as the lead point of contact and involvement.

5 The Board will consist of the following attendees:

- Rutland County Council:
 - Leader of the Council
 - The Portfolio Holder for Planning and Property
 - Strategic Director or Deputy Director for Place (or equivalents) or their representatives
 - Head of Sustainable Economy and Place (or equivalents)
 - Planning Policy Manager or Principal Planning Policy Officer (or equivalent/s)
- South Kesteven District Council:
 - Leader of the Council
 - The Cabinet member
 - Director of Growth and Culture
 - Assistant Director of Planning (or equivalent/s)
 - Planning Policy Manager (or equivalent/s)

6. The Corporate Board will meet on a quarterly basis.

Project Management

7. Any projects overseen by the Board should be approved by the Board within a reasonable time frame from the date of the signing and publication of a Position Statement (“PS”). It will be a ‘live’ document, to be updated as appropriate from time to time as the joint planning work progresses.

The Project Plan will identify:

- (a) key delivery milestones relating to project objectives against an agreed timeframe;
- (b) expectations of project teams and/or employees (other than those identified in this PS);
- (c) any secondment arrangements between signatory authorities, if appropriate; and
- (d) practical working arrangements, for example which staff will require access to the premises of the other authority.

8. The position of Lead Project Manager will be determined by the Board. The Board will meet regularly and will from time to time include representatives of any other organisations with related interest in the joint planning process, which might, for example, include relevant statutory or non-statutory consultees as set out in the Planning Policy Guidance (PPG).¹

¹ List of statutory and non-statutory consultees for planning applications available at <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications>

Principles of co-operation

9. The authorities further agree to adopt the following principles of co-operation when carrying out joint planning:

- a) collaborate and co-operate. Establish and adhere to the governance structure set out in these the terms of reference to ensure that activities are delivered and actions taken as required;
- (b) be accountable. Take on, manage and account to each other for performance of the respective roles and responsibilities;
- (c) be open. Communicate openly about major concerns, issues or opportunities relating to the joint planning process;
- (d) learn, develop and seek to achieve full potential. Share information, experience, materials and skills to learn from each other and develop effective working practices, work collaboratively to identify solutions, eliminate duplication of effort, mitigate risk and reduce cost;
- (e) adopt a positive outlook. Behave in a positive, proactive manner;
- (f) adhere to statutory requirements and best practice. Comply with applicable laws and standards including EU or relevant procurement rules, data protection and Freedom of Information legislation.;
- (g) act in a timely manner. Recognise the time-critical nature of the joint planning process and respond accordingly to requests for support;
- (h) work with stakeholders effectively;
- (i) deploy appropriate resources. Ensure sufficient and appropriately qualified resources are available and authorised to fulfil responsibilities; and
- (j) act in good faith to support achievement of the key objectives set out in - the 'Roles, responsibilities and powers' section below and compliance with these principles of co-operation.

Roles, responsibilities and powers

10. The Board is established for the purposes of joint planning exercises. Such a structure will retain democratic accountability for the work as well as having the technical input from Officers. This will be supported by appropriate day to day working between officers across the two local authorities, with further engagement with officers from Lincolnshire County Council where appropriate. This will entail:

- a) preparing, integrating and publishing appropriate evidence base, technical and policy documents;
- b) managing all communication, consultation and engagement processes;

- c) carrying out any other tasks required by the Board;
- d) updating the Position Statement as appropriate over the period of joint planning; and
- e) reporting progress against the Project Plan milestones on a regular basis to the Project Board.

11. The authorities will continue to work together on strategic issues other than the joint planning process in accordance with the Duty to Co-Operate and will establish the appropriate arrangements to do so without prejudice.

External reporting and publication

12. External reporting and publication will take place as follows:

- a) Minutes, attendees and actions will be recorded for each Project Board meeting. Any additional reporting requirement will be at the discretion of the Project Board. Minutes, attendees and actions will be made publicly available on the Authority websites
- b) Draft technical and/or evidence outputs² will be considered and endorsed by the Project Board. Once endorsed by the Project Board, outputs will then be circulated to the authorities' cabinets before publication.
- c) Draft policy outputs³ will be considered and endorsed by the Project Board. Once endorsed by the Project Board, outputs will then be approved by the authorities' Cabinets before publication, as appropriate.
- d) The Board will liaise with Town and Parish Councils, as appropriate, to act as a liaison between the Board and the local residents.

Communication

13. Both authorities will commit to issuing joint correspondence, joint press releases and attending joint press conferences, where appropriate, to ensure communities are updated. Both authorities will provide information about the proposals on their websites.

14. A communication strategy for each project will be put in place to ensure that both RCC and SKDC carry out the same level of consultation.

Escalation

15. If any of the authorities have any issues, concerns or complaints about any project undertaken under this ToR, or any matter, that authority shall notify the other authority and the authorities should then seek to resolve the issue by a structured communication. If the issue cannot be resolved within a reasonable period of time, the matter shall be escalated to the Board, which should decide on the appropriate course of action to take.

² These may comprise either technical and/or evidence outputs specific to the area being jointly planned, or relevant chapters/sections of technical and/or evidence outputs supporting the whole of the emerging South Kesteven and/or Rutland Local Plan(s).

³ These may comprise either policy outputs specific to the area being jointly planned, or relevant chapters/sections of Development Plan Documents and/or other policy documents.

16. If any authority receives any formal inquiry, complaint, claim or threat of action from a third party (including, but not limited to, claims made by a supplier or requests for information made under the Freedom of Information Act 2000 (FOIA) and/or the Environmental Information Regulations 2004 (EIR)) in relation to the joint planning process, the matter shall be referred as soon as is reasonably practicable to the Board (or its nominated representatives). It shall be for the authority concerned to determine how to respond to any such inquiry, complaint, claim or action, however, to the extent that it is possible such response will not adversely affect the joint planning process-

17. The parties acknowledge that an authority may be required under the FOIA and/or the EIR to disclose information without consulting or obtaining consent from the Project Board. Each authority shall take reasonable steps to notify the Project Board of a request for information (in accordance with the Cabinet Office's Freedom of Information Code of Practice issued under section 45 of the FOIA) to the extent that it is permissible and reasonably practical for it to do so, but each authority shall be responsible for determining in its absolute discretion whether any information is exempt from disclosure in accordance with the FOIA and/or the EIR.

Intellectual property

18. The authorities intend that [notwithstanding any working arrangements such as, but not limited to, secondment(s)] any intellectual property rights created in the course of the joint planning process shall vest in the party whose employee created them (or in the case of any intellectual property rights created jointly by employees of two or more authorities such rights shall vest, in the authority that has been agreed as lead authority for the part of the project to which the intellectual property right relates).

19. Where any intellectual property right vests in either authority in accordance with paragraph 17 above, that authority shall grant an irrevocable licence to the other authority to use that intellectual property for the purposes of the project in question.

Term and Termination

20. These Terms of Reference will commence on the date of signature by both authorities, and shall expire on the adoption of both authority Local Plans, or supplementary planning work relating to the Local Plans.

21. The Position Statement will be reviewed at the end of the first 6 months in order to inform any changes necessary for further joint working.

22. Either authority may cease to commit to the Joint Strategic Planning Board thereby giving at least three months' notice in writing to the other authorities.

Governing Law and Jurisdiction

23. The Joint Strategic Planning Board shall be governed by and construed in accordance with English law and, without affecting the escalation procedure set out in paragraphs. Both authorities agree to submit to the exclusive jurisdiction of the courts of England and Wales.

Agreement

Signed on behalf of Rutland County Council



Mark Andrews

Chief Executive

Date: 2nd November 2023

Signed on behalf of South Kesteven District Council



Karen Bradford

Chief Executive

Date: 26th January 2024