



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Cabinet

10 October 2023

Report of Cabinet Member for Housing
and Planning

Stamford North Statement of Common Ground

Report Author

Shaza Brannon, Planning Policy Manager

shaza.brannon@southkesteven.gov.uk

Purpose of Report

To consider the Stamford North Statement of Common Ground and accompanying Duty to Cooperate Board Terms of Reference.

Recommendations

That Cabinet:

1. **Agrees to South Kesteven District Council becoming a signatory to Stamford North Statement of Common Ground and in so doing, authorises the Chief Executive to be the signatory.**
2. **Agrees to the establishment of a joint board consisting of South Kesteven District Council and Rutland County Council to oversee the potential proposed development of Stamford North, which will be governed by Terms of Reference.**

Decision Information	
Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	Yes – Appendices C and D under paragraph 5 of Schedule 12A of the Local Government Act 1972; legally sensitive information.
What are the relevant corporate priorities?	Housing that meets the needs of all residents
Which wards are impacted?	All

1. Implications

1.1 Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

1.2 A key purpose of the Statement of Common Ground is an agreement between the two authorities that developer contributions collected from the proposed development will be spent on the delivery of essential infrastructure to mitigate the impact of the development.

Richard Wyles, Deputy Chief Executive and s151 Officer

Legal and Governance

1.3 Local authorities are bound by a legal duty to cooperate. Due to the cross-boundary nature of the development, South Kesteven District Council and Rutland County Council have a duty to work together on the delivery of the site.

1.4 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.'

1.5 It is proposed that a Joint Strategic Planning Board be created to enable both Councils to work collaboratively on any future planning matters. A Terms of Reference for the Board is appended to the Statement of Common Ground and sets out roles and responsibilities, reporting, escalation and governance.

1.6 The Stamford North Statement of Common Ground and Terms of Reference have been finalised subject to legal advice.

Mandy Braithwaite, Legal Executive, Legal and Democratic Services.

Risk and Mitigation

1.7 Legal advice was sought on the risk of signing/not signing the Statement of Common Ground. The advice is appended as exempt information, to this report.

1.8 The Joint Strategic Planning Board will be governed by Terms of Reference (ToR) which seeks to deal with any issues, concerns or complaints about any project undertaken by this ToR by the inclusion of an escalation procedure. The Terms of Reference also seeks to minimise risk by clearly setting out principles of cooperation, roles, responsibilities and powers, intellectual property and principles for project management.

Diversity and Inclusion

1.9 Stamford North is included within the adopted Local Plan as an allocation expected to deliver 1,350 homes, with an additional 650 within Rutland County. The adopted Local Plan seeks to meet the needs of our diverse community and includes evidence-based policies for meeting the district's housing need, including affordable and adaptable housing. Developers are required by the Local Plan to provide appropriate type and sized dwellings to meet the needs of current and future households.

1.10 An Equalities Impact Assessment (EIA) was developed at each stage of Local Plan preparation which ensures that the Local Plan is inclusive and celebrates diversity.

1.11 Any current or future planning applications will be bound by the Council's Statement of Community involvement which seeks to make consultation inclusive, ensuring that our diverse community are made aware of; and given the opportunity to comment on planning applications. This includes ensuring that the planning process is transparent and accessible.

Is an Equality Impact Assessment required?

1.12 An Equality Impact Assessment (EIA) is not required to accompany the Statement of Common Ground or Terms of Reference as policy is not being introduced. An EIA was produced for the adopted Local Plan, which includes policy on the Stamford North Development.

Community Safety

1.13 The planning system has a major role in shaping our neighbourhoods to be accessible, inclusive and safe.

- 1.14 A key purpose of the Statement of Common Ground is agreement between the two authorities where developer contributions collected from the proposed development, both by Rutland County Council and South Kesteven District Council, will be spent on the delivery of essential infrastructure to mitigate the impact of the development this could include CCTV (closed circuit television) and the police service.
- 1.15 The Stamford North Local Plan policy requires the production of a comprehensive masterplan of the site which will be expected to include design principles which ensures the safety of its community.
- 1.16 The Local Plan promotes and will expect Stamford North to incorporate active travel. Sustainable travel through walking, cycling and the use of the public transport is dependent on the safety of the built environment.

Mental Health and Emotional Wellbeing

- 1.17 Local Plan policies seek to ensure that South Kesteven is a great place to live, work and visit in line with the Corporate Plan.
- 1.18 The proposed development of Stamford North will be expected to include valuable assets such as community facilities and green infrastructure, ensuring that development provides a natural and built environment for the enjoyment of all. Ensuring that our community has the right housing, employment and natural environment should positively affect mental health and emotional wellbeing.
- 1.19 The Statement of Common Ground seeks to ensure that any impact on existing facilities, such as health and education will be mitigated.

Climate Change

- 1.20 The production of a Statement of Common Ground and Terms of Reference has no identified impacts on climate change.
- 1.21 The Local Plan and planning system is a mechanism to support delivery on the climate change agenda and the Council's commitment to reduce the organisations' carbon footprint by at least 30 per cent by 2030 and endeavour to become net-zero as soon as is viable before 2050.
- 1.22 Policy relating to Stamford North is contained within the Local Plan and was subject to a sustainability appraisal. The Local Plan also includes policy which seeks to ensure developments mitigate and adapt to climate change.

2. Background to the Report

- 2.1 The South Kesteven Corporate Plan (2020-2023) vision highlights the importance of working hand-in-hand with other public sector partners across Lincolnshire and the wider region to individually and collectively deliver for residents and businesses. In further support of such an approach, the 2018 National Planning Policy Framework (NPPF) requires local planning authorities to produce Statement of Common Ground (SoCGs) to demonstrate agreement on cross-boundary strategic issues.
- 2.2 In January 2020 the Council adopted the South Kesteven District Local Plan. With the inclusion of policies which shape development and protect and enhance our environment, the Local Plan is a key vehicle to help meet the priorities identified in the Corporate Plan. The Local Plan allocates land for housing and employment to meet the housing needs of all residents and enable economic growth; and the Plan also includes environmental policies which seek to ensure a clean and sustainable environment.
- 2.3 The Local Plan includes a housing allocation for 1,350 houses at Stamford North which extends into Rutland County, providing an additional 650 homes. The section of the development within Rutland is necessary for the deliverability of the development to come forward due to a facilitating link road.
- 2.4 The Rutland Local Plan submission included the 650 homes at Quarry Farm (known as Monarch Park) as a proposed allocation, however the plan was withdrawn in 2021 and now has no policy basis. Despite this, both Councils have a legal duty to cooperate as both authorities prepare new respective Local Plans.
- 2.5 A Statement of Common Ground between South Kesteven District Council, Rutland County Council and Lincolnshire County Council was prepared in 2019, including planning arrangements for the proposed development at Stamford North. The purpose of the Statement of Common Ground was to enable the delivery of a sustainable development, with supporting infrastructure.
- 2.6 The 2019 Statement of Common Ground was scrutinised by the Finance, Economic Development and Corporate Services Overview and Scrutiny Committee and subsequently approved at Cabinet on 11 June 2019. Whilst the SoCG was not signed, it demonstrated a longstanding commitment by both Councils to work collaboratively. A link to the 2019 Statement of Common Ground Cabinet report can be found in the **background paper section** of this report.
- 2.7 Due to material changes since 2019, including the withdrawal of the Rutland Local Plan and the submission of planning applications in each administrative area, a new Statement of Common Ground (**Appendix A**) has been prepared by Officers at South Kesteven District Council and Rutland County Council. The Statement of Common

Ground takes into account legal advice, which agrees to the following broad principles:

- Housing development within the separate two local authority areas of Stamford North (totalling 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 within Rutland County Council would contribute to Rutland's needs). There is therefore no requirement on either authority to meet the unmet needs of the other.
- Acknowledges that there will likely be an impact on the existing infrastructure of Stamford. To this end, Rutland County Council has agreed to prioritise expenditure of Community Infrastructure Levy (CIL) receipts generated by the Stamford North development to ensure the development, as a whole, mitigates its impact on infrastructure.

- 2.8 To aid cooperation, it is proposed a Joint Strategic Planning Board is established, including elected Member and Officer representatives from both councils to oversee any strategic planning matters, such as the Stamford North development. Terms of Reference for the Board (**Appendix B**) have been prepared by South Kesteven District Council and Rutland County Council to govern this proposed Board to enable both Councils to work collaboratively to meet the current Duty to Cooperate and any future matters of strategic planning of mutual interest.
- 2.9 The Terms of Reference sets out governance arrangements and responsibilities of each party, including the escalation of any issues, concerns or complaints that may arise.
- 2.10 The Chief Executive of South Kesteven District Council has delegated powers to sign the Statement of Common Ground. However, both South Kesteven District Council and Rutland County Council considered the Statement of Common Ground and the decision to create a joint Board, warranted being taken to the respective Cabinets for approval, prior to signing.
- 2.11 The signed Statement of Common Ground will be presented to the Planning Inspector at each Council's Local Plan Examination, evidencing cooperative working under our current duty to cooperate, and a reached agreement.

Next Steps

- 2.12 If agreed at respective Cabinets, the next steps are:
 - a. For the Chief Executives at Rutland County Council and South Kesteven Council to sign the Statement of Common Ground for subsequent implementation.

- b. For a Joint Strategic Planning Board to be created, governed by approved Terms of Reference.

3. Key Considerations

- 3.1 The Council has a current legal duty to cooperate with neighbouring authorities. The Statement of Common Ground and establishment of the Joint Strategic Planning Board will give certainty and clarity setting out governance arrangements, responsibilities of each party, along with areas of common ground.
- 3.2 The Statement of Common Ground seeks to ensure developer contributions collected by South Kesteven District Council and Rutland County Council will be spent to mitigate the impact of the development on local infrastructure.
- 3.3 The Statement of Common Ground and Terms of Reference for the Joint Strategic Board have been subject to legal advice (**Appendix C**) around the wording and ensuring that the interests of the District are dealt with. Further advice from the Assistant Director of Planning regarding these documents is provided at **Appendix D**.

4. Other Options Considered

- 4.1 The alternative of not signing the Statement of Common Ground may contravene the current duty to cooperate with neighbouring authorities. It may also lead to a less sustainable development at Stamford North. Therefore, the do nothing option was discounted.

5. Reasons for the Recommendations

- 5.1 The Statement of Common Ground is largely a statement of fact and intent. It will help to demonstrate Duty to Co-operate on matters by Rutland County Council and South Kesteven District Councils. The reason for the recommendation is to help to enable both authorities to work together on the delivery of a comprehensive cross-boundary development at Stamford North which will include the provision of infrastructure to mitigate any impact on the local area through the collection and expenditure of developer contributions.

6. Consultation

- 6.1 Consultation on the Stamford North Statement of Common Ground is not a regulatory requirement. The preparation of the Statement of Common Ground has been undertaken in consultation with Rutland County Council Planning Officers in accordance with the Duty to Cooperate.

6.2 Current and future planning applications will be subject to public and stakeholder consultation, in accordance with the Council's published Statement of Community Involvement.

7. Background Papers

7.1 *Proposed development at Stamford North* – Report to Cabinet, published 11 June 2019, available online at:
<https://moderngov.southkesteven.gov.uk/documents/s22901/Stamford%20North%20Cabinet%20report%20June%202019%20v2%202.pdf>

7.2 *South Kesteven Local Plan* – Adopted January 2019, available online at:
<http://www.southkesteven.gov.uk/index.aspx?articleid=14904>

8. Appendices

8.1 Appendix A: Stamford North Statement of Common Ground
8.2 Appendix B: Joint Strategic Planning Board Terms of Reference
8.3 Appendix C: Advice from the Assistant Director for Planning (exempt)
8.4 Appendix D (Exempt): Legal advice on the risks of signing/not signing the Stamford Statement of Common Ground