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Our reference: LRJ
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Date: 2 May 2013

To all Members of the Council

Dear Councillor

A meeting of the CABINET will be held on Tuesday 14 May 2013 at 7.00 pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford to consider the following items of business.

Yours sincerely

Executive Manager Operations and Corporate Governance

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Meeting held on Tuesday 16 April 2013 (previously circulated).

Key Decisions

None

Non Key Decisions

4. Building Control Service Review
The report of the Executive Manager - Communities is attached
5. Four Year Plan Position Statement
The report of the Executive Manager - Transformation will follow

Budget and Policy Framework Items

6. Rushcliffe Core Strategy
The report of the Executive Manager – Communities is attached

Matters referred from Scrutiny

None

Membership

Chairman: Councillor J N Clarke

Vice-Chairman: Councillor J A Cranswick

Councillors D G Bell, J E Fearon, D J Mason, Mrs J A Smith

Meeting Room Guidance

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**MINUTES
OF THE MEETING OF THE
CABINET
TUESDAY 16 APRIL 2013**

Held at 7.00pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford

PRESENT:

Councillors J N Clarke (Chairman), D G Bell, J A Cranswick, J E Fearon, D J Mason.

ALSO IN ATTENDANCE:

Councillors H A Chewings, A MacInnes, G R Mallender,

OFFICERS PRESENT:

A Graham	Chief Executive
K Marriott	Executive Manager - Transformation
D Mitchell	Executive Manager - Communities
L Reid-Jones	Democratic Services Manager
P Steed	Executive Manager – Finance and Commercial

APOLOGIES FOR ABSENCE:

Councillor Mrs J A Smith

59. Declarations of Interest

There were none declared.

60. Minutes

The minutes of the meeting held on Tuesday 12 February 2013 were approved as a correct record and signed by the Chairman.

61. Development Framework Agreement for Cotgrave Colliery and Town Centre

Councillor Cranswick presented a report of the Executive Manager - Transformation regarding the Development Framework Agreement for Cotgrave Colliery and Town Centre. He reminded Cabinet that the Borough Council and the Homes and Communities Agency (HCA) had appointed Barratt David Wilson (BDW) as the preferred developer partner for the Cotgrave colliery site and the town centre in August 2012. He explained that it had been recognised by the Council and HCA that the colliery site would provide the impetus to enable redevelopment of the town centre. It had also been agreed that development of the colliery should not proceed in isolation in the event that the town centre site was not progressing. Councillor Cranswick stated that it had become a complex situation given the current economic climate and it was now proving difficult for the developer to proceed as planned. He added that it was not as straightforward to assemble the site as first envisaged, eg the library would now not form part of the town centre

development and the supermarket operators were now looking to expand in the convenience store market rather than the delivery of a supermarket anchor store.

By reference to the report Councillor Cranswick informed Cabinet that it was proposed that in light of the current uncertainties around the town centre and the risk to BDW should they commence on the colliery site without confidence that the whole site would proceed, the Council and HCA agreed to a 'reasonable endeavours' clause within the Framework Agreement with BDW and subsequently within the formal legal agreements. He added that part of this 'reasonable endeavours' was for BDW to commit a number of milestones to progress the town centre site as detailed in paragraphs 11, 12 and 13 of the report. He believed that the stronger link originally envisaged in contractual terms would appear to be unrealistic for BDW to progress in light of factors affecting the town centre and their high level of upfront costs on the colliery site. However, BDW still claimed there was a commercial imperative that the town centre was developed due to the positive effect this was predicted to have on the market ability of housing on the colliery site. In support of this Councillor Cranswick drew Cabinet's attention to appendix one which contained a letter from Barratt Homes confirming their commitment to the town centre redevelopment. He concluded that there was no question about whether the town centre was to be redeveloped; the question was when it would be developed.

Councillor Bell stated that the situation involved a complex set of issues, however in light of the current economic position it was positive to have the assurance from Barratt regarding their commitment.

Councillor Mason recognised the complexities involved in the project and town centre redevelopment. She believed that the milestones within the Framework Agreement were one of the most important elements in progressing the redevelopment. She added that the challenge was now to ensure that the milestones were met and the work carried out in tandem with the work on the colliery site. She looked forward to the regeneration in Cotgrave.

Councillor Cranswick reminded Cabinet that the HCA requirement was to commence the housing development on site by January 2014. In response to a question from Councillor Clarke the Chief Executive confirmed that there was no possibility of claw back of funding by the HCA, however the issue was that of maintaining confidence that the development was going ahead. He added that in order to protect the interests of the community the aim had been that development on the colliery site would not proceed until the town centre was being redeveloped, however BDW had indicated they wanted to start on the colliery site as soon as possible. He believed that the letter from Barratt Homes demonstrated their commitment to the development. He stated that before work could commence there were planning issues to resolve.

RESOLVED that Cabinet:

- a. notes the complexities involved in securing a contractual commitment to develop the town centre at the same time as developing the colliery site, and

- b. endorses the milestones proposed for the development framework agreement to secure achievable progress to a viable regeneration plan for the town centre.

62. Community Facilities Member Group: Review Update and Proposal for Alford Road Pavilion

Councillor Cranswick presented the report of the Community Facilities Member Group: Review Update and Proposals for Alford Road Pavilion. He informed Cabinet that the Member Group had been reviewing community facilities, Rushcliffe Country Park and sports development as part of the Council's Four Year Plan. He reminded Cabinet that the savings target for the review had been £40,000 and stated that it was anticipated that savings of £52,600 would be achieved. He believed the Member Group had been successful and should be congratulated for their achievements. By reference to the report Councillor Cranswick outlined the range of initiatives which had been implemented to date including increasing income from catering, removal of security services from Rushcliffe Country Park, extending the range of goods and activities for sale, transferal of cricket wicket maintenance to West Bridgford Legion Cricket Club, a review of staffing levels in community facilities and changes to pricing structures for sports pitches. Further initiatives had also commenced and were anticipated to generate an additional £10,000 of savings for 2014/15: the introduction of a physiotherapy service at Gresham Sports Park, additional catering at Rushcliffe Country Park and increased income from weddings and major celebrations.

Councillor Cranswick informed Cabinet that the Member Group had focussed on the development of Alford Road Sports Pavilion and potential transfer of management to Edwalton Football Club (FC). He stated that two options had been considered. Firstly the potential to apply for support from the Football Foundation had been explored in order to provide a large pavilion to enable Edwalton FC to expand and provide improved training facilities, however the requirements were such that it was not a viable option. He explained that this would have been expensive to maintain and would need to deliver agreed football development activities for 21 years, otherwise there was a risk that the Football Foundation funding would be clawed back. The second option consisted of a refurbishment and extension of the existing pavilion, which would provide sufficient changing room and shower facilities and be a suitable home for current users including Edwalton FC. Councillor Cranswick informed Cabinet that the Council would continue to manage the site but with the continued close partnership working with Edwalton FC. By reference to paragraph 15 of the report he informed Cabinet that option two was marginally cheaper to run, however it did not have the potential liability of option one, therefore it was the more attractive option subject to planning permission. In relation to funding the refurbishment he explained that an annuity would be charged to the West Bridgford Special Expense for a period of 40 years, which equated to 50p per annum on a Council Tax Band D property. He stated that Edwalton FC had been informed of the Council's preferred option and understood the reasons for the recommendation.

In response to a question from Councillor Cranswick the Executive Manager - Finance and Commercial explained that the expense was calculated over 40

years as this was linked to the proposed life of the asset. Councillor Clarke questioned whether there was any benefit in reducing the period and whether the rate was fixed or variable. In response the Executive Manager - Finance and Commercial stated that if the period was shortened then the amount would be greater. He likened the charge to a fixed rate mortgage.

Councillor Fearon stated that he was delighted to see that a new Alford Road Pavilion would be delivered. He believed that this scheme was what residents needed.

In respect of the renaming of West Bridgford Community Hall Councillor Clarke asked whether there was already a proposed name. The Executive Manager - Communities explained that the Member Group had been asked for suggestions and it was anticipated that it would be resolved within a month. He had received feedback from wedding planners that 'community hall' was not a favourable description for the venue, therefore the new name would have marketing appeal. Councillor Bell stated that he was pleased that the name would be changed. Councillor Cranswick requested that all Members be written to asking for suggestions for a new name within two weeks, giving an explanation of their suggestion bearing in mind the wider marketing aspect of the venue. The Executive Manager - Communities explained that the final approval on the name would be given by the Portfolio Holder for Resources.

RESOLVED that Cabinet:

- a) notes the financial savings of £52,600 arising from the review of community facilities;
- b) supports the principle of renaming West Bridgford Community Hall, subject to consultation with the Cabinet Portfolio Holder for Resources on a proposed new name;
- c) agrees to progress with option 2 for a refurbishment and extension scheme of the Alford Road Sports Pavilion at an estimated cost of £350,000 and amend the capital programme accordingly, and
- d) agrees that Rushcliffe Borough Council continue to manage the improved facility, working closely with Edwalton FC as a key partner.

63. **Community Shaping Member Group: Final Report**

Councillor Fearon presented the final report of the Community Shaping Member Group. The Member Group had reviewed the Council's Arts and Events, Health, Energy and Environment services as part of the Four Year Plan. He reminded Cabinet that the identified savings target was £55,000 of which £44,880 had been identified to date. Councillor Fearon explained that the Member Group had met on four occasions and he had been impressed by the depth of knowledge and experience of the Members. He stated that the Group had considered a matrix of costs and savings at its second meeting. In considering all of the services he recognised that there was small team of officers covering a wide range and variety of services, thus demonstrating considerable flexibility.

By reference to the report Councillor Fearon outlined the proposed savings: to reduce funding allocation for events by £9,975 in year one with a further saving of £12,500 in year two; trial the introduction of appropriate income generation mechanisms for all Borough events in 2013/14; reduce the overall grant funding available for community groups for environmental projects; for the Council to play the role of promoter in the Green Deal creating an annual saving of £16,310; work with Grantham Canal Partnership to reduce the level of dependency on Council funding and to consider the opportunity to sell or loan some of the Borough art collection, where appropriate, after seeking expert advice and with approval from the Cabinet Portfolio Holder for Community Protection. Councillor Fearon requested that the approval also be sought from the Cabinet Portfolio Holder for Resources in respect to selling any items from the Borough art collection.

Councillor Clarke sought clarification that it was constitutionally correct for two Portfolio Holders to make a decision on the Borough art collection as it was potentially an emotive subject. The Chief Executive explained that the issue had been debated by the Member Group and therefore a risk analysis of the proposal would have been considered. He advised that the Monitoring Officer and Section 151 Officer could also be consulted prior to any proposed sale or loan of part of the art collection. He added that the level of advice sought should be consequential to the course of action. He confirmed that the recommendation was in line with the Council's Constitution, but added that the Portfolio Holders could consider it appropriate to take a recommendation regarding the sale or loan to Cabinet for a decision.

Councillor Fearon stated that he did not anticipate any items being loaned or sold without taking legal advice with regards covenants or restrictions. He added that the value of the art collection fluctuates and the concern was the safe keeping of some items.

Councillor Cranswick commented that the Council was the trustees of the art collection on behalf of the residents of Rushcliffe. He believed that some items had little financial consequence however they were of significance to individuals. He added that he would not consider the sale of any items unless there were extreme circumstances.

In relation to the Grantham Canal Partnership Councillor Bell commented that although there was no Regeneration Manager in post the Partnership remained active. He informed Cabinet that Heritage Lottery funding had been received to upgrade the locks at Walsthorpe which would join the canal access to Rushcliffe. He believed that this was a big step forward, and hoped that this would continue. Councillor Clarke commented that this reduction in funding did not negate any applications for funding in future.

RESOLVED that Cabinet approves:

- a. the reduction in the funding allocation for events by £9,975 in year 1 with a further saving of £12,500 in year 2. For year 1 this includes; Village Ventures funding from £5,000 to £4,000 (capped at that level). Reducing the budget for one off events by £1,000, remove funding for Nottinghamshire Arts Partnership

£1,500, youth assembly £4,700, room hire £1,000, play scheme support £600 and Radcliffe on Trent art competition £175;

- b. the trial of the introduction of appropriate income generation mechanisms for all Borough events in 2013/14;
- c. the reduction in the overall grant funding available for community groups for environmental projects from £7,875 to £4,000 (saving £3,875) to reflect current demand;
- d. that the Borough Council plays the role of promoter in the Green Deal being introduced in April 2013 creating an annual saving of £16,310;
- e. work with the Grantham Canal Partnership to reduce the level of dependency on Borough Council Funding. Reduced from £5,723 in 2012/13 to £3,500 for 2013/14; and
- f. that the opportunity to sell or loan some of the Borough art collection should be taken, where appropriate, after seeking expert advice and approval from the Cabinet Portfolio Holder for Community Protection and the Cabinet Portfolio Holder for Resources.

The meeting closed at 7.40 pm.

CHAIRMAN

Report of the Executive Manager - Communities

Cabinet Portfolio Holder – Councillor D G Bell

Summary

1. In line with the four year plan of service reviews to identify efficiency savings and new ways of working a team of officers have been reviewing the Building Control Service. The service already shares a manager with South Kesteven District Council (SKDC) and this review has therefore been undertaken in partnership with them.
2. A review of expenditure during this review process and prior to setting the 2013/14 budgets enabled some quick win savings of £18,960 to be made already within the Building Control Service. In addition to these quick win savings the review has identified an opportunity to transform the service through a full partnership delivery approach with South Kesteven District Council which builds on the current successful shared manager arrangement. This approach has significant benefits, particularly in the resilience of the service delivery, use of shared processes and provides additional potential for further savings estimated at around £82k per annum which would be shared between the two councils.
3. This report therefore presents a recommendation for the future delivery of this service and recommends a phased approach to providing a joint building control service initially with South Kesteven District Council but with the aim of inviting other partners to join later.
4. Cabinet is requested to consider and approve this approach subject to the final business case meeting the identified benefits.

Recommendation

It is RECOMMENDED that the proposed route, timescales and principles, as set out in this report for developing a joint building control service with South Kesteven District Council are approved including:

- a) The development of a service improvement plan to be implemented at both authorities and the establishment of a Joint Reciprocal Working Agreement effective from July 2013
- b) Finalisation of the business case for the establishment of a full partnership arrangement between South Kesteven DC and Rushcliffe BC to be effective from 1 April 2014.

Background

5. The Building Control service is essentially split into three service delivery channels.
 - a) Building Regulations “chargeable activities” for which customers can be charged a fee (Note: the current powers to make charges are very prescriptive, and only empower Councils to set charges at a level to cover actual costs. Councils cannot budget to generate a surplus)
 - b) Building Regulations “non chargeable activities”, which need to be funded through Council Tax as the legislation specifically states they can’t be charged for e.g. dealing with applications relating to works for disability facilities, advice generally to the public, inspections to identify unauthorised building work etc.
 - c) Other Building Control services – dealing with dangerous buildings, street naming and numbering etc. (Unless directly related to the building regulations service, in which case these will be treated as non-chargeable activities)
6. The current powers for Building Control to make charges are very prescriptive, and only empower Councils to set charges at a level to cover actual costs. Councils cannot budget to generate a surplus and the service already operates in a competitive market. The generation of income is therefore heavily dependent on marketing the service to customers and demonstrating a better service and Value for Money than that provided by Approved Inspectors (Approved Inspectors can be used to provide the building control service instead of the Local Authority; they are private businesses and must be licensed by the Construction Industry Council).
7. Discussions with customers reveal that they can find it confusing to deal with several different Authorities – each having slightly differing working procedures, interpretations of the legislation, charge levels etc. The “local delivery” of the Building Control service and the working relationships built up over many years are widely appreciated however. It would therefore appear that the requirements of customers are closely aligned with the external pressures on Councils to examine alternative means of delivering services.
8. Building Control recovers the cost of the fee earning service through fees and charges and minimises the cost of non-fee earning work. Unfortunately in the last few years the ability of the service to generate sufficient income to cover the fee earning work is now compromised by the dramatic downturn in the building market which is affecting all those operating in the industry. The service has already responded to this change in the market, and staffing has reduced from 12 FTE in April 2007 to 8.8 FTE today. Reducing staffing further to balance current income levels would have a significant impact on the service delivery.

Future service delivery options

9. The following future service delivery options were considered as part of the review:
 - a) Remain in house but with an agreed service improvement plan

- b) Form a working partnership with another Local Authority (most likely each other)
- c) Form a partnership/joint venture with a private organisation (Acivico was identified as an example for initial appraisal purposes)
- d) Outsource the fee earning part of the service and keep only those functions where a statutory responsibility exists - mixed delivery model
- e) Form a new organisation - Mutual (or similar legal entity) to deliver the service
- f) Total outsource to a private sector provider

Evaluation and consideration of the service delivery options

10. A robust evaluation of each option has been undertaken. The headlines of the financial analysis were that to remain in house, both Authorities would need to reduce their establishment by two posts, and it was considered that this would have a significant impact on the ability to deliver the service. Moving to the partnership option would see a small reduction in the combined staffing but would provide the resilience needed as the overall “pool” of staff available would be larger than could be maintained by a single Authority.
11. The level of savings that could be achieved in partnership is currently estimated at £61k in non-cashable savings and £82k in cashable savings. These savings would be shared between the Authorities in a manner to be agreed as part of phase (step) 2 detailed in the following paragraphs. Note that in this context, non-cashable savings are those which allow the Council to reduce the cost of chargeable activities to a level that can be sustained from the income generated while cashable savings are those which directly reduce the cost to the partner Councils.
12. It is considered that the partnership option is the only one which provides both costs savings and the resilience necessary if the service is to continue to succeed in a competitive market.

Proposed new service delivery model

13. It is proposed that Rushcliffe Borough Council and South Kesteven District Council form a partnership to deliver Building Control Services with South Kesteven District Council being the lead Authority for the partnership and Grantham being the main hub for administration. The partnership will be established in a step change process;
14. Phase (Step) 1 will be to build on the current informal arrangements for sharing a building control manager that has been sustained for nearly three years with advantages to both partners by establishing a joint reciprocal working agreement by July 2013. This will enable the partners to share resources to the best effect of both partners and to begin to align working practices, procedures and policies.
15. Phase (Step) 2 will be the implementation phase which will include full staff consultation and the finalisation of the exact delivery model and governance arrangements. It is expected that this work will lead to the establishment of a full partnership arrangement between South Kesteven and Rushcliffe BC effective from 1 April 2014.

16. A partnership agreement has been drafted which will be scrutinised, reviewed and finalised during the implementation phase by legal teams and executive managers at both Authorities. It is proposed that this Agreement should come into force on 1st April 2014 and shall continue until terminated in accordance with the provisions within the Agreement. An Exit Plan will also be prepared to provide a reversionary route should the Partnership end in the future.
17. The Appendix to this report provides an overview of the proposed partnership governance arrangements. In brief a joint partnership board will be established with equal representation from officers and members at each Authority and the Service delivery manager (the current shared building control manager). In the first year it is expected that the board will meet quarterly whilst the partnership establishes, reducing to six monthly thereafter. The board will be responsible for receiving performance reports, approving future performance targets, approving variations, modifications or proposals, dispute resolution and offer a strategic role in ensuring the partnership is delivering properly.

Summary of benefits to the partnership delivery method

18. Delivering the service in partnership with another authority has a number of benefits, not only financial but also for resilience, capacity and future growth potential. A summary of the benefits expected from this partnership delivery model are as follows:
 - a) Working in partnership may generate year on year cashable savings of £82,000 for the two authorities.
 - b) Provides opportunity to increase year on year cashable savings as other partners join in future years
 - c) Provides a secure base from which to consider forming an independent company in the future. A company model will be able to operate with less restriction on income generation than a local authority body
 - d) Provides opportunity to create additional income sources for fee earning work to offset non fee earning costs
 - e) Provides a better base for future development in terms of marketing
 - f) Offers capacity and resilience with a reduced establishment as workload is equalised across the merged but smaller team and there is a larger pool of staff to help cover leave and absence
 - g) Provides a structured and sensible solution to an aging staff profile
 - h) Enables easier sharing of best practice across the partners
 - i) Will prevent the need for duplication as guidance notes, policies and procedures only need to be produced once for use by both partners, rather than each producing their own
 - j) Provides consistency of service to customers who access each authority separately in the current environment and receive differing levels of service or style of service delivery
 - k) Offers opportunities for staff development as the wider pool of staff share knowledge and expertise and have the opportunity to partake in a wider caseload
 - l) Provides an opportunity in the longer term to seek to rationalise vacated office space and back office support costs, with a view to releasing further cashable savings within the retained establishment.

Project Delivery

19. Subject to agreement between the authorities a joint project team would be set up to manage the implementation of the partnership. The project team would need to include additional representatives from each Authority.

Indicative timescale

20. The table below shows an indicative timescale for the proposed approach. It is recognised that this is an ambitious and challenging, but achievable timescale.

Dates	Action
May 2013 – 31 July 2013	Service improvement plan to be implemented at both authorities and the establishment of a Joint Reciprocal Working Agreement effective from July 2013 (s101 of the Local Government Act, 1972) See appendix 1
July 2013 – 1 April 2014	The establishment of a full joint committee partnership arrangement between South Kesteven and Rushcliffe BC effective from 1 April 2014
Jan 2015 onwards	Explore opportunities to add likeminded local authority Building Control partners from January 2015 onwards

Financial Comments

The analysis associated with this report indicates that the development of a partnership with South Kesteven will produce savings and provide an opportunity to offset costs enabling Building Control to address income pressures created by the continued downturn in the construction sector. Whilst not quantifiable at this point, depending upon the final nature of the partnership there may be a reduced demand for support services from Rushcliffe which will be factored into relevant future reviews to ensure that any potential savings are identified and delivered.

Section 17 Crime and Disorder Act

Full consideration has been given to any impact on crime and disorder issues as a result of the recommendations contained within the report. The outcome is that there are no negative impacts.

Diversity

Full consideration has been given to any impact on diversity issues as a result of the recommendations contained within the report. The outcome is that there are no negative impacts. A full equality impact assessment will be undertaken and incorporated in the business case.

Background Papers Available for Inspection: Nil

Proposed Governance Arrangements

Partnership Governance

1. To improve the development of the contract and partnership arrangements between Rushcliffe Borough Council and South Kesteven District Council it is proposed to introduce clear governance arrangements. A partnership board is proposed to oversee the partnership performance.
2. The creation of this board seeks to ensure that issues are debated and resolved at the right level and within regular timeframes. A partnership agreement will be in place, signed by both Authorities, clearly defining the service functions and performance standards to be delivered by the partnership, supported by service level agreements.

Governance Overview

3. The building control service would be provided on behalf of Rushcliffe by South Kesteven District Council for which an agreed recharge fee would be payable to South Kesteven for the delivery of all non-fee earning work. Rushcliffe building control employees would TUPE to South Kesteven District Council.
4. South Kesteven as lead authority propose a 'Joint Committee' or in Rushcliffe terminology, a partnership board. The proposal from South Kesteven District Council, as Lead Authority, is that membership of the board would consist of the relevant portfolio holder at each Authority, the relevant Executive manager at each authority and the Building Control Manager. As more authorities join the partnership, they will be entitled an equivalent representation on the partnership board. We would seek to support their proposal.
5. In the first year of the partnership it is proposed that the partnership board meet quarterly, whilst the fledging partnership beds in, dropping to twice yearly thereafter. Emergency meetings can be called if significant issues arise in the meantime
6. The function of the partnership board will be to receive performance reports, approve future performance targets, approve variations, modifications or proposals, dispute resolution and offer a strategic role in ensuring the partnership is delivering properly. The building control manager will provide performance reports to the board in year and each year by 15 January present a proposed delivery plan and performance targets for the coming year and by 31 July each year present a backward facing annual report setting out performance over the previous year. Day to day management of the service will be delegated to the Building Control Manager, who will have freedom to operate the service within the overall parameters set by the partnership board.



Rushcliffe
Borough Council

Cabinet

14 May 2013

4 Year Plan Position Statement

5

Report of the Executive Manager - Transformation

Cabinet Portfolio Holder – Councillor J A Cranswick

Summary

On 3 March 2011 Council approved the four year plan to review services. The aim of the four year plan was to reduce the baseline net revenue from 2010/11 by £2.98m over four years through actions centred upon three core principles: business cost reduction, income generation and service redesign. This report provides a position statement two years into the four year plan. To the end of year two (2012/13) the four year plan has realised efficiency savings of £2.73m against the baseline net revenue. This rises to £3.33m by the end of year three (already accounted for in 2013/14 budgets) and it is predicted that by the end of its lifespan the four year plan will have realised total savings on the net revenue baseline of £4.18m, £1.2m above the original objective of £2.98m.

Recommendation

It is RECOMMENDED that Cabinet acknowledges the progress made against the original targets and gives its continued support to the four year plan.

Reviews undertaken

1. Year one of the plan incorporated a number of officer reviews and two Member reviews of the Environment and Waste Management service and the Community Facilities service. Some key efficiency and transformational projects arising from delivery of the plan have been:
 - a) A senior management review and restructure,
 - b) The abolition of the Council's lease car scheme,
 - c) The introduction of charging for green waste collections,
 - d) Seeking a tender for garage services, and
 - e) Exploring and developing the 'social franchising' of the streetwise service.
2. Savings achieved in year one totalled £1.8m. A full report outlining year one outcomes was presented to Cabinet at its meeting on 10 July 2012.
3. Year two of the plan has consisted of five officer reviews and two Member reviews. The Member reviews were:

- a) Arts & events, energy efficiency advice, health development and environmental promotion and biodiversity, which completed in March 2013 and
 - b) Temporary accommodation, strategic housing and housing options service. This review has been delayed slightly and the first Member group meeting will be held in May 2013.
4. At the outset of the four year plan it was acknowledged that the timings of reviews would be flexible. Changes to the schedule in year two have been to bring the strategic housing review forward and undertake it at the same time as the temporary accommodation review as the two services are linked. Officers have commenced preliminary work on this review in year two and Member involvement is proposed from May 2013 onwards.
 5. Two reviews have been deferred and will now be completed within year three. The Member Services review was postponed until the Nottinghamshire Police and Crime Commissioner elections were completed and the final recommendations from Local Government Boundary Commission Review were published. The review of the Communications and Reputation service was postponed whilst temporary cover was in place for maternity leave and in order to review and evaluate the recently vacant graphic designer post.
 6. Where year two reviews are still in progress or have been deferred indicative reductions have been made in budgets to reflect the original four year plan target savings for each review. Savings achieved in year two totalled £916,000.
 7. Efficiency savings in year two have largely been achieved by reviewing and where appropriate reducing grant support to other bodies, reviewing vacant posts and removing them if work could be covered effectively in other ways, and looking for new but as yet undiscovered small budget savings such as using online reference resources to save on publications and subscriptions costs, and encouraging email communication to reduce postage costs.
 8. A transformational project arising from the year two reviews is a proposal to form a partnership with South Kesteven District Council to operate the Building Control Service. A separate report is to be presented to Cabinet on this matter.
 9. In line with the three principles of the four year plan (business cost reduction, income generation and service redesign) Table 1 below provides a more detailed commentary of the savings/income initiatives that have been undertaken by the service areas reviewed in year 2

Service area	Savings initiatives identified	Savings achieved or proposed (£)		
		12/13	13/14	14/15
Member services	Deferred to year three		15,000	17,000
Legal services	<ul style="list-style-type: none"> • Restructure to reduce establishment costs and use resources better • Reduction in subscription fees • Reduction in legal and professional fees and court 	5,300	23,250	

Service area	Savings initiatives identified	Savings achieved or proposed (£)		
		12/13	13/14	14/15
	<p>costs</p> <ul style="list-style-type: none"> Greater use of online research tools. 			
Arts & events, energy efficiency advice, health development and environmental promotion and biodiversity	<ul style="list-style-type: none"> Reduction in grant funding for events Reduction in grant funding for community groups Working with Grantham Canal Partnership to reduce the dependency on Council funding Income generation through appropriate charging mechanism at events One off income generation from the sale of some of the Borough art collection. 		28,070	16,810
Graphic design and communications	Deferred to year three		23,610	
Environmental health	<ul style="list-style-type: none"> Changes in national regulatory guidance has allowed vacant posts to be deleted Email rather than postal communications following inspections Exploring opportunities to increase income from liquor licence charges and street trading Charging for mobile home site licence Removal of an air quality monitoring unit at Stragglethorpe reducing maintenance and analysis costs Seeking to maximise income through running training courses and charging for non-statutory advice services. 		75,850	17,000
Temporary accommodation, homelessness and strategic housing	<ul style="list-style-type: none"> A review of expenditure prior to setting the 2013/14 budgets enabled some quick win savings such as office equipment and materials and Hound Lodge fire precautions, These have been reflected in the 2013/14 budget. 		3,190	48,510

Service area	Savings initiatives identified	Savings achieved or proposed (£)		
		12/13	13/14	14/15
	The full service review has only just commenced with a member group meeting in May to consider options for further savings.			
Building control	<ul style="list-style-type: none"> A review of expenditure prior to setting the 2013/14 budgets enabled some quick win savings through the deletion of a vacant post, reductions in professional and legal fees, and reductions in books, publication, subscriptions and overtime payments and office equipment. These have been reflected in the 2013/14 budget <p>The review has also proposed that the Council forms a partnership with South Kesteven District Council to operate the building control service which may generate further efficiency savings in future years.</p>		18,960	

10. A further six reviews are planned for year three of the programme:

- a) Dog and pest control (target savings £13,000)
- b) Back office services (target savings £120,000)
- c) Car parking (target savings £241,000)
- d) Community safety, domestic violence (target savings £20,300)
- e) Development control (target savings £40,000)
- f) Planning policy services (target savings £10,000)

In line with previous reviews it is anticipated that there will be Member involvement in the reviews of development control and car parking. Arrangements will be made to accommodate this Member involvement in due course as part of the process for determining and finalising the scope of the review.

Four Year Plan Financial Position

11. Reviews undertaken to date have profiled their efficiency savings over the lifetime of the four year plan as not all savings can be made immediately. Saving targets and achievements relating to all current and planned activity have been review and are summarised below. It should be noted that this table reflects the likelihood that some savings arising from activity in years three and four of the programme may not be fully achieved until 2015/16.

	Year 1	Year 2	Year 3	Year 4	Post Year 4
	2011/12	2012/13	2013/14	2014/15	2015/16
	£'m	£'m	£'m	£'m	£'m
Original Plan	1.07	1.88	2.50	2.98	2.98
Projected / Actual Savings	1.81	2.73	3.33	4.02	4.18
Surplus	0.74	0.85	0.83	1.04	1.20

12. This demonstrates that to the end of year two (2012/13) the four year plan has realised efficiency savings of £2.73m against the baseline net revenue and that this figure will increase to £3.33m by the end of the current financial year. It is currently forecast that savings from the four year plan will total £4.18m, £1.2m higher than the original target of £2.98m.
13. It is important to note that these figures exclude a further £250,000 of savings identified as part of the 2013/14 budget process and included in the current budget. This figure includes income from The Point which was purchased by the Council in February 2013.

Financial Comments

These are incorporated within the body of the report.

Section 17 Crime and Disorder Act

When undertaking service reviews consideration is given to ensuring the Council maintains delivery of its responsibilities under Section 17 of the Act. With regard to the proposed reviews of community safety and domestic violence consideration will be given to the impact of any proposed changes to determine how these might affect the Council responsibilities regarding the prevention and detection of crime.

Diversity

Where necessary Equality Impact Assessments are conducted as part of the service review process in order to evaluate and assess the equality impact of any proposals. As part of this process due regard is given to the financial impact and the effect on service delivery in order to highlight and, where possible, mitigate potential consequences in respect of inequality or discrimination.

When looking at structures within the council, due regard is given to the established Managing Organisational Change Policy in order to ensure the necessary stages are followed and employees are engaged and consulted.

Background Papers Available for Inspection:

1. Cabinet report dated 10 July 2012 entitled Four Year Plan Update

Report of Lead Local Plan Officer - Paul Randle

Cabinet Portfolio Holder – Councillor D G Bell

Purpose of Report

1. In December 2011, Council approved a Core Strategy that had been developed using a community based bottom-up approach that was inspired by the Government's decision to abolish the Regional Strategies. Unfortunately, following the publication of the National Planning Policy Framework the Planning Inspector appointed to examine the Council's Core Strategy has concluded that in her opinion she could not agree to it being found sound in its current form. This report explains how and why the Inspector has reached this opinion. It also explains that at least 3,550 additional homes must be included in the Core Strategy for it to have a realistic chance of being assessed as sound by the Planning Inspector. This report seeks Cabinet approval to carry out public consultation and other preparatory work on proposals that would achieve the required increase in housing provision.

Recommendation

It is RECOMMENDED that:

- a) The Planning Inspector's offer of a temporary suspension of the examination process is accepted;
- b) Public consultation and necessary supporting work is undertaken on proposals to amend the Core Strategy to meet the Planning Inspector's concerns and in particular, to plan for at least 3,550 additional homes adjacent to the Principal Urban Area by 2028 at the following strategic locations:
 - i. South of Clifton – around an additional 500 homes within the current proposed allocation.
 - ii. Edwalton – around an additional 550 homes within and adjacent to the current proposed allocation
 - iii. East of Gamston – a new strategic mixed used development allocation, including the delivery of around 2,500 homes by 2028, and with capacity to provide around a further 1,500 homes post 2028.
- c) The timetable for the work as set out in the report is accepted and that a revised Core Strategy is presented to Full Council in October 2013.

Background

2. Council approved the draft Core Strategy (the Plan) on 15 December 2011. Work to finalise the details of the Plan and in particular, the allocation South of Clifton was then undertaken and following the Local Development Framework Group meeting on the 22 October 2012, the Plan was submitted to Government at the end of October 2012.

3. The appointed Planning Inspector, Ms J Kingaby subsequently wrote to the Council to express her 'serious concerns' about some aspects of the Plan and to seek clarification about a number of issues. Further information and evidence was submitted to Ms Kingaby who then called an exploratory meeting for the 31 January 2013. Such a meeting is classed as an exceptional procedure and is not part of the normal examination process. Government guidance regarding exploratory meetings states that:

'the basis of the meeting is that the Inspector has identified some key concerns in his/her early consideration of the document which need to be discussed'.....'He or she will be looking for clarification on certain matters and issues which should hopefully inform the way forward in the examination'.

4. The guidance also identifies 4 possible outcomes of the meeting:

- i) *The Inspector has serious concerns which look unlikely to be rectified and invites the Local Planning Authority (LPA) to seek the Secretary of State's agreement to withdraw the Plan;*
- ii) *The issues are resolved and the examination proceeds;*
- iii) *The Inspector agrees to a short term suspension of the examination so that the LPA can do more work;*
- iv) *The Inspector remains concerned but agrees to proceed with the examination. The hearing sessions will enable the concerns to be fully discussed, after which the Inspector may then decide to continue with the examination or formally recommend withdrawal.*

5. The meeting was held in public at West Bridgford Community Hall and at the conclusion of the 4 hour meeting, Ms Kingaby clearly indicated verbally that she was not convinced by the Council's arguments in favour of the Plan and asked the Council to consider its willingness to:

- Look again at the housing figures and how need is to be met;
- Talk some more to our neighbouring local authorities;
- Revisit the allocation of sustainable urban extensions;
- Extend the Plan period to 2028;
- Have a broader review of the Green Belt.

6. Ms Kingaby wrote to the Council on 13 February confirming and formally notifying the Council of her initial view of the Plan. Her letter is attached as Appendix 1 to this report. In summary her main conclusion was that our Plan is not consistent with the National Planning Policy Framework's (NPPF) aim to

boost significantly the supply of housing, and meet the full, objectively assessed need for market and affordable housing;

7. Ms Kingaby concluded that it would not be efficient to continue examining a plan which she believed contains fundamental flaws. Her advice was that the Council should either withdraw the submitted Plan or, if it can complete the necessary remedial work within 6 months, seek a temporary suspension.
8. After taking informal soundings from leading members of the Council, a request was made by the Chief Executive for a 6 month suspension of the examination. A further meeting with the Inspector was also requested to ensure a clear understanding of the requirements placed upon the Council to meet her expectations and to enable the Plan to progress to a hearing. Ms Kingaby held a technical meeting with the Council, in public on 9 April 2013 to discuss procedural and timetabling issues. At this meeting the Inspector indicated that she was pleased the Council was able to demonstrate its intention to consider the requested increase in the number of homes being planned for.
9. Subsequently Ms Kingaby has now confirmed in writing that she is willing to grant the Council a 6 month period of suspension of the examination to enable the necessary additional work to be carried out.

Proposal for moving forward

10. Unfortunately, it is now clear that the localism based 'Fresh Approach' strategy the Council pursued will not deliver a sound Plan. The Fresh Approach relied upon the Regional Strategy targets being abolished and the introduction of relevant Government policy statements which would have supported our approach. In reality, the NPPF has imposed significant new obligations on local planning authorities that the Planning Inspector has to consider are being met before a Core Strategy or Local Plan can be considered sound.
11. Having regard to the present position with the Council's Plan, on the 18 March the Local Development Framework Group recommended that all Members should be invited to a special workshop in April. The subsequent workshop was designed to ensure there was a full understanding of the current situation and ensure Members could consider and discuss the options available to the Council.
12. At the workshop, for the avoidance of doubt, Members were informed that if a Local Planning Authority failed to make satisfactory progress towards adopting a Local Plan the Secretary of State could direct it to modify the document in accordance with the direction. Furthermore, if a direction is ignored the Secretary of State has default powers to take over the preparation, including the examination and require the local authority to pay for the Secretary of State's costs.
13. The workshop considered 2 options and the planning merits of each:

Option 1

Agree with the other HMA authorities the level of housing that would be required in Rushcliffe to enable the Council to re-align its Core Strategy with their aligned Core Strategies.

14. It has now been confirmed by the HMA authorities that, in principle, at least an additional 3,550 homes would need to be planned for by 2028 ie 2 years beyond the current Plan period. Given the views of the Inspector and appraisal work carried out to determine the suitability of different growth options, these homes would be most appropriately located around the Principal Urban Area rather than looking to further increase proposed housing levels in rural areas of the Borough.
15. Option 1 could proceed on the basis that the examination would be suspended in order to enable the Council to bring forward modifications to the Plan to address the Inspector's concerns.
16. To satisfy one of the Inspector's concerns, Option 1 requires the early completion of a strategic review of the Green Belt. This is a review of existing Plan proposals to take land out of the Green Belt and inform any new proposals to increase further planned housing delivery. One aspect of the review is to consider the merits of removing land from the Green Belt in order to also help meet development needs beyond the plan period. Assessment work for the review has been undertaken and recommendations from it inform the preferred approach for delivering Option 1 (see below).
17. Advantages –
 - It should satisfy the Duty to Co-operate imposed by the NPPF as all HMA authorities would be presenting a unified case for growth across the conurbation; the objections to the Council's Plan from the other HMA authorities would be withdrawn.
 - It should also satisfy the Inspector's initial concerns regarding the Plan period and the need for concentration around the Principal Urban Area;
 - This option could potentially deliver a sound Plan at the earliest opportunity.
18. Disadvantages/ Risks –
 - There is no guarantee that the basis on which housing need has been objectively assessed by all the HMA authorities and from which the 3,550 figure has been derived will be accepted at examination. Most developers are arguing that in excess of 20,000 additional homes should be being planned for across the HMA. However, to obviate this risk at this stage, it would be necessary to plan for even more houses at this time;
 - It is likely there would be considerable localised public opposition where any additional housing was proposed;
 - The Inspector may decide that the changes to the submitted Plan are so significant that it is necessary for the Plan to be withdrawn and re-submitted. This would further delay the process.

Option 2

Withdraw the Core Strategy and commence work on a Local Plan to 2031

19. Many of the strategic sites that are identified for allocation in the submitted Plan have now received planning permission. As a result of the current economic environment there is limited pressure from developers to submit speculative planning applications on unallocated large sites and this situation is thought to be unlikely to change in the short term.
20. In view of the change of approach by the Government and the introduction of the NPPF, the Government now favours Local Plans over Local Development Frameworks. Local Plans usually comprise one detailed document whereas LDFs comprise a Core Strategy and separate development plan documents containing detail at a local level. It would therefore be an option to withdraw the Core Strategy and commence work on a comprehensive Local Plan.
21. Advantages –
 - This could provide greater certainty through to 2031 across the whole Borough as it would involve reviews and consultation in both suburban and rural communities.
22. Disadvantages/ Risks –
 - Planning to 2031 would be highly likely to lead to a requirement for higher housing numbers than identified with Option 1 as it would extend the plan period by a further three years.
 - The cost of commissioning evidential studies would not be shared with other authorities and would therefore be expensive for the Council;
 - The Council would be without an adopted Plan for another 3 – 4 years making it vulnerable to unwanted planning applications;
 - The Council's Plan would not be aligned with the other HMA authorities which could create further difficulties in respect of the Duty to Cooperate.
 - It would be very difficult to formally adopt Neighbourhood Plans until the Local Plan was adopted.
23. At the workshops there was an overwhelming preference of Members present that Option 1 should be pursued.

Preferred Approach to Delivering Option 1

24. At the workshop Members considered how at least 3,550 additional homes could be accommodated within the Borough. They were advised that, taking into account existing draft Core Strategy proposals, sustainability, Green Belt and other relevant planning considerations, any additional homes would need to be located adjacent to the Principal Urban Area at 3 potential broad locations;
 - South of Clifton
 - Edwalton

- East of Gamston

25. Members were advised that it would be difficult to achieve a minimum of 3,550 additional homes without all three locations contributing towards this total. This is because no one site or pair of sites would be able to deliver all additional 3,550 homes within the plan period (to 2028), when taking into account realistic year by year housing delivery rates on each.

South of Clifton

26. The existing proposal is to remove from the Green Belt and allocate for development land that is bounded to the west by the line of the new A453, to the south by Barton Lane, and to the east by field boundaries and existing power lines. The existing proposal is that the site would accommodate up to 2,500 homes.
27. A maximum of 500 additional homes could be delivered within the plan period on the site being proposed as an allocation. This would give a total housing provision of around 3,000 homes. This could be achieved by increasing the average density from approximately 19 to 23 dwellings per hectare, excluding those areas anticipated for employment land or strategic open space. This increased density would be comparable with the existing Compton Acres development and therefore could be achieved without compromising the quality or the overall sustainability of any future development scheme.
28. An additional option would be to increase the size of the proposed allocated site by extending it south of Barton Lane. This would not assist in boosting housing supply within the plan period, as the delivery of more than 3,000 in this area is not considerable achievable until after 2028. Moreover, taking into account Green Belt and landscape considerations, Members were advised and supported the view that it would be inappropriate to remove yet further land from the Green Belt in order to allow development to the south of Barton Lane in the longer term.
29. This advice is informed by the outcomes of the Appraisal of Sustainable Urban Extensions Study (2008) and more recent Green Belt review work. Barton Lane forms the most appropriate southern boundary for both allocation and Green Belt when looking to avoid an unacceptable degree of Green Belt encroachment and when aiming to minimise landscape impact as best as possible.
30. The majority of Members were in favour of increasing the density of housing and not encroaching any further into the Green Belt.

Edwalton

31. The site proposed for allocation at Edwalton sits within a larger area that surrounds Sharphill Wood and is constrained to the south by the A52. The existing proposal is for around 1,200 homes in total. The scheme that currently has planning permission has not progressed because, in common

with many other sites across the country, the market has changed substantially since permission was granted and viability has become an issue.

32. Edwalton would need to deliver around 550 further homes in contributing towards the additional 3,550 homes required around the PUA to 2028. This would take total provision at Edwalton to around 1,750 homes. A secondary benefit of increasing housing provision at Edwalton would be to contribute towards addressing the current viability problem.
33. At the workshop Members considered a number of ways in which the allocation for residential development could be enlarged without breaching the A52. The A52 forms the most defensible boundary in this location when looking to realign the Green Belt to accommodate existing and future development needs and also protect the longer term permanence of the Green Belt. To breach the A52 in this location would not be a sustainable pattern of development.
34. The most sustainable options for further development within the A52 are considered to be to, firstly, marginally increase density on the existing allocation. Secondly, to expand the development area to include:
 - i. at least some of the land that is currently proposed to be country park, while recognising the importance of this amenity to the sustainability of the development as a whole;
 - ii. land to the south west of Sharphill Wood; and
 - iii. land to the east of Melton Road adjacent to the existing southern edge of Edwalton.
35. The majority of Members were in favour of consulting on such proposals, which would accommodate around 550 additional homes within the larger area surrounding Sharphill Wood.
36. Members also considered the potential for development of the land at Edwalton Golf Course. Overwhelmingly this is recognised as a valuable facility which provides affordable recreation and in particular, supports junior golf. However, within the context of the Green Belt review and having regard to its location within the A52 boundary, Members indicated their support for its consideration as a longer term development option. In particular it was stated by some Members that this area would need to meet the future demographic needs of the existing residents of the Edwalton area as well as the Borough. It was also stated that there should be a clear proviso that the need for an alternative golf facility is evaluated and if necessary, provided at an alternative location before any development took place.

East of Gamston

37. A sustainable urban extension of 4,200 homes was included in the Option for Consultation published in 2010. The Planning Inspector has commented on the removal of this from the draft Core Strategy approved by Council and made it clear that she would anticipate that any additional housing would be most sustainable adjacent to the Principal Urban Area.

38. Clearly, there are a number of permutations for potential developments at Gamston. Members felt that the integrity of Bassingfield and Tollerton as distinct settlements must be protected; a view that is supported by technical work including the Green Belt review. At the workshop Members were therefore asked to consider, in principle, 2 broad locations by way of example. Location 1 was a site adjacent to the A52 that did not include the airport and which could accommodate approximately 2,500 homes. Alternatively, location 2 included the airport and could provide for up to 4,000 homes. Members were asked to have regard to the fact that larger sites should be able to fund more infrastructure than smaller sites and therefore may be more sustainable and successful in the long term.
39. Clearly having regard to the overall level of additional housing required and the capacity of Clifton and Gamston to 2028, the requirement to develop on land to the East of Gamston is essential if there is to be any possibility of producing a sound Plan.
40. In general, Members recognised that any development at Gamston should include the airport, the majority of which is classified as previously developed land (commonly known as Brownfield land). Up to 2,500 homes could be delivered within the new Plan period to 2028.
41. Looking to the longer term beyond the end of draft Plan and again in the context of the Green Belt review, the majority of Members felt that consultation should be undertaken on proposals to ultimately accommodate around 4,000 new homes on the site. The Green Belt review work shows that if the existing Green Belt boundary east of Gamston (the A52) is to be moved, there is justification for the new boundary to be formed using elements of the Polser Brook, Grantham Canal and field and other boundaries to the north of Tollerton that would achieve a suitable degree of separation between any new development and the existing settlement. This would remove from the Green Belt sufficient land to accommodate new development of this overall magnitude, whose delivery would continue well into the 2030s. Additionally, as with any large strategic site there would also be provision for employment, open space and relevant infrastructure.

Next steps

42. The next steps would be to undertake public consultation and other necessary supporting work on the above proposals to amend the Core Strategy, before then presenting to Full Council in October 2013 proposed modifications to the Plan. This will include work to establish more detailed proposals for land east of Gamston, including the exact extent of development, the broad mix of uses on site and how any development scheme would link with the existing transportation network.
43. Public consultation would be undertaken with Rushcliffe communities that would be potentially affected by these proposals including the suburban areas of Edwalton and Gamston as well as all relevant villages. As previously undertaken elsewhere, the consultation would initially involve working with community leaders and other key stakeholders in workshops to identify any key issues and to establish a broad level of detail for each development. This would be followed by public exhibitions and drop-in sessions where residents

would be able to comment on the information available. Additionally, there would be the opportunity to comment via the Council's website on the proposals.

44. The key elements of the proposed timetable are set out below however; Appendix 2 sets out in greater detail the full extent of the work required. This timetable was shared with the Inspector following the technical meeting on 9 April.
 - i. 14 May – Cabinet report
 - ii. Mid June – Early August – Public Consultation on preferred approach to additional growth.
 - iii. Mid May – Early September – Undertake supporting work and transport assessments.
 - iv. September / October – Report to LDF Group with proposed major modifications to Core Strategy.
 - v. October – Report to Cabinet and Full Council with proposed major modifications to the Core Strategy
 - vi. October - Submit modified Core Strategy to the Planning Inspector
 - vii. November – Mid December – Consult on proposed major modifications
 - viii. December – Submit representations on modifications to the Planning Inspector
 - ix. Early 2014 – examination hearings (Inspector's decision)
 - x. May / June 2014 – Adoption of Core Strategy by Council (anticipated).

45. Further work would also look to address the other specific concerns the Inspector has raised in respect of a number of the Core Strategy's policies. This includes how the Core Strategy addresses affordable housing requirements. In light of this work, other proposed modifications may then also need to be presented to Full Council in October 2013.

Financial Comments

As the Council's Core Strategy has been temporarily suspended due to the conclusion it is not sound in its current form, further work will have to be done. This will lead to additional expenditure which is difficult to quantify at this stage. A sum of £117,200 has been included in the 2013/14 budget to cover costs of the Local Development Framework.

The financial consequences of failing to adopt a Plan are also difficult to quantify but having regard to the Secretary of State's default powers (para 12 refers) it is anticipated that they would be substantial.

Section 17 Crime and Disorder Act

None

Diversity

None

Background Papers Available for Inspection:

- 1) Rushcliffe Green Review Background Paper for Cabinet, April 2013
- 2) Core Strategy Sustainability Appraisal – Addendum, April 2013
- 3) Core Strategy Equality Impact Assessment – Summary of Actions April 2013



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Mr Paul Randle
Deputy Chief Executive
Rushcliffe Borough Council
Civic Centre
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Nottingham
NG2 5FE

Our Ref: PINS/P3040/429/5

Date: 13th February 2013

Dear Mr Randle,

EXAMINATION OF RUSHCLIFFE BOROUGH COUNCIL'S CORE STRATEGY

Following the exploratory meeting on 31st January, I have given further thought to the examination and how it should be progressed. As you know, my principal concern is that the submitted Core Strategy is not consistent with the National Planning Policy Framework's (NPPF) aim to boost significantly the supply of housing, and meet the full, objectively assessed need for market and affordable housing.

I accept that the East Midlands Regional Plan is now somewhat dated, and is unlikely to remain as part of the development plan for the area for much longer. Nevertheless, the Regional Plan was based on evidence, and was subject to due processes of public consultation, sustainability appraisal and examination-in-public. Rushcliffe Core Strategy seeks to provide 9,400 new dwellings by 2026 (increased to 9,600 by a proposed modification to the plan), which is substantially different from the Regional Plan target of 15,000 dwellings. That difference triggered my concerns about Rushcliffe's planned housing numbers.

It has been suggested that, once the Regional Plan is revoked, and having regard for the importance of localism, the lower housing target for Rushcliffe will be acceptable. I consider that to be too simplistic; soundness requires the housing numbers to be justified ie. *"the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence"* (NPPF).

It is clear that Rushcliffe forms part of the Greater Nottingham Housing Market Area (HMA). The Government's household projections, based on the 2008 population projections from the Office for National Statistics

(ONS), indicated that the Regional Plan's housing targets could be too low to meet the area's needs to 2026. The Greater Nottingham Councils have undertaken further work on the population and household data looking also at new Government data from 2010 and the 2011 Census. Unsurprisingly, alternative estimates for Greater Nottingham's future housing needs have been produced. So far, there is no single overall, evidence-based set of figures to which the constituent authorities including Rushcliffe agree. The absence of agreement as to the HMA's full future housing need presents a major difficulty for co-ordinated, effective plan-making.

The Council advised that it is the distribution of new housing rather than the overall level of need for the HMA which has caused it to take a different line from the Regional Plan and the neighbouring local planning authorities. There is a perception that Rushcliffe is being asked to meet too much of Greater Nottingham's need.

The Core Strategy has significantly reduced the planned sustainable urban extensions which were put forward in the Regional Plan to contribute to the growth of this major city. I accept that there are potential constraints to housing growth on the edge of Nottingham in Rushcliffe, including land designated as Green Belt. However, Rushcliffe has not undertaken a strategic review of the Green Belt in its area, to consider whether all parts of it meet national policy aims and purposes, or to check whether the Regional Plan's proposed urban extensions or alternatives would provide most appropriately for sustainable growth. This is a potential weakness because earlier studies had indicated that Green Belt land south and east of Nottingham was the least sensitive to new development. Rushcliffe Core Strategy puts forward a different pattern of housing distribution from the Regional Plan, with more housing in the smaller settlements and less adjoining the "Principal Urban Area". This is arguably not the most sustainable distribution for new housing to support the growth of Nottingham.

Rushcliffe must comply with the duty to co-operate on planning issues that cross administrative boundaries. Rushcliffe worked towards agreed housing numbers with the other Greater Nottingham local planning authorities until 2011, when it decided to take a Fresh Approach, as described in Section 1 of the Core Strategy. The Council's Statement of Compliance with the Duty to Co-operate [BD27] describes engagement on an on-going basis with neighbours until the Plan was submitted for examination. Although Rushcliffe joined in the co-operative activities, Nottingham City Council and other neighbouring authorities did not agree that Rushcliffe's Plan would contribute adequately to meeting the housing needs of Greater Nottingham. All made representations to the publication Core Strategy to this effect, and were not satisfied with Rushcliffe's argument that some 6,000 of its planned 9,600 dwellings would meet the needs of the wider area.

Even if the process required by the duty to co-operate has been met, the outcome of proper and constructive co-ordination, meeting development requirements and possibly joint plans, as described in the NPPF,

paragraphs 179-81, has not. There was strong support at the exploratory meeting for a hearing session involving all the Greater Nottingham authorities, to debate the distribution of housing growth. However, such a session should not form part of the Rushcliffe Core Strategy examination, as it is not my role to decide how growth of the wider HMA should be distributed among all the authorities. That should have taken place before completion and submission of the Plan.

The Core Strategy indicates that there is a very high level of need for affordable housing in Rushcliffe. If the overall housing target is reduced from that which was promoted in the Regional Plan, the scope for meeting affordable housing needs is also reduced, notwithstanding the difficulty in securing targets on all qualifying sites. Bearing in mind the aim of the NPPF to meet all needs in full, the problems of affordable housing provision compound my concerns over the Core Strategy's housing target.

The Core Strategy adopts 2026 as its end date, although other authorities in the area are planning to 2028. Housing need will not end in 2026 and, if major sites are required to deliver the requirements, they will need a long lead-in time. The NPPF allows for some flexibility in selecting an appropriate time scale, but local Plans should preferably use a 15 year time horizon and take account of longer term requirements.

I raised concerns that the Council is unable to demonstrate a 5 year supply of housing land against its housing requirements. The current economic climate presents a tough challenge for housing delivery, and the Council advised that it will be updating its Strategic Housing Land Availability Assessment more frequently in future to comply with the NPPF. However, the absence of a 5 year supply of specific, deliverable sites at the beginning of a plan period is a serious weakness.

I understand that Rushcliffe wants to progress its Core Strategy as quickly as possible. My aim has been to keep the examination going, to enable Rushcliffe to achieve an adopted plan. However, it would not be efficient to continue examining a plan which contains fundamental flaws. I have seen scant evidence that the HMA's projected needs have fallen so much since the Regional Plan was adopted, or that local constraints are so severe, that Rushcliffe is justified in reducing its housing target from 15,000 to 9,600. The absence of support from the neighbouring Greater Nottingham authorities is a serious problem. In view of these factors, it would not be justified or proportionate to continue the examination of the plan in its current form. My advice is that the Council should either withdraw the submitted Plan or, if it can complete necessary remedial work within 6 months, seek a temporary suspension.

Jill Kingaby

Inspector

Appendix 2

Indicative timetable of work during the Core Strategy examination's suspension

As at 9 April 2013

What	wb 1 Apr	wb 8 Apr	wb 15 Apr	wb 22 Apr	wb 29 Apr	wb 6 May	wb 13 May	wb 20 May	wb 27 May	wb 3 June	wb 10 June	wb 17 June	wb 24 June	wb 1 July	wb 8 July	wb 15 July	wb 22 July	wb 29 July	wb 5 Aug	wb 12 Aug	wb 19 Aug	wb 26 Aug	wb 2 Sept	wb 9 Sept	wb 16 Sept	wb 23 Sept	wb 30 Sept	wb 7 Oct	wb 14 Oct	wb 21 Oct	wb 28 Oct	wb 4 Nov	wb 11 Nov	wb 18 Nov	wb 25 Nov	wb 2 Dec	wb 9 Dec	wb 16 Dec						
Key tasks/stages*																																												
Green Belt Review: Stage 1 (strategic review & detailed analysis of possible strategic sites)																																												
Establish preferred approach for additional growth to recommend to Cabinet																																												
Member workshops to consider options for additional growth				13/4 22/4																																								
SA/EqIA of options/preferred approach for additional growth																																												
Cabinet meeting								14/5																																				
Strategic masterplanning for additional urban extension(s)(if a preferred approach)																																												
Transport modelling/identification of mitigation measures																																												
Review affordable housing requirements and approach																																												
Identification of infrastructure requirements/viability assessment																																												
Consultation on a preferred approach for additional growth and Green Belt Review: Stage 1																																												
Process, analyse and report on consultation representations																																												
Draft proposed major modifications																																												
SA/EqIA of proposed major modifications																																												
LDF Group meeting to consider proposed major modifications																																												
Cabinet meeting to consider proposed major modifications																																												
Council meeting to approve proposed major modifications																																												
Proposed major modifications to go to Inspector prior to consultation																																												
Consultation on proposed major modifications																																												
Re-commence examination																																												
Other tasks*																																												
Prepare schedule of minor modifications																																												
Review employment provision figures																																												
Strategic Housing Land Availability Assessment																																												
Prepare Housing Implementation Strategy																																												
Addendum to Housing Background Paper																																												
Addendum to Employment Background Paper																																												
Revised Infrastructure Delivery Plan																																												
Addendum to Transport Background Paper																																												

*This is not necessarily an exclusive list of all those tasks/stages needed to progress work to a satisfactory conclusion, but an indication of the more significant. Those tasks in **bold** are those whose completion are considered to be key milestones in progressing the timetable of work.

Glossary

- SA - Sustainability Appraisal
- EqIA - Equality Impact Assessment