

Committee Name and Date of Committee Meeting

Cabinet – 29 July 2024

Report Title

Local Plan Core Strategy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Andrew Bramidge, Interim Strategic Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The five year review of the Local Plan Core Strategy has been refreshed in light of new legislation, changes to the National Planning Policy Framework, Census 2021 and other local policy changes. The review indicates that some policies in the Core Strategy require updating for consistency with national planning policy.

The Core Strategy Partial Update consists of changes to planning policies on housing, flood risk and water management, climate change, improving public health, carbon reduction, and Social Value. It reflects new Council policies introduced since the current Core Strategy was adopted, such as the declarations on climate emergency and nature crisis, and the priority of achieving Social Value. An update of the infrastructure requirements to support new growth is also included.

The five year review has identified that Rotherham has sufficient housing sites allocated that meet the identified requirement. As such, the Council is in a strong position with regards to the Local Plan. Public consultation on the Core Strategy Partial Update would not include a review of existing housing sites, nor would it seek suggestions for new housing sites within the Borough. It would be limited to the wording changes to those planning policies identified by the five year review as requiring an update.

It is noted that there may be changes to legislation and planning policy by the new Government, any changes that impact upon the proposals outlined will be subject of further reports to Cabinet.

Recommendations

1. That Cabinet approves the publication of the refresh of the Core Strategy five year review on the Council's website.
2. That Cabinet approves public consultation on the Core Strategy Partial Update consultation draft.

List of Appendices Included

- Appendix 1 Refresh of the Core Strategy Five Year Review
- Appendix 2 Core Strategy Partial Update consultation draft
- Appendix 3 Housing requirement and supply to 2040
- Appendix 4 Equality Part A – Screening
- Appendix 5 Carbon Impact Assessment

Background Papers

Rotherham Local Plan Core Strategy:

<https://www.rotherham.gov.uk/downloads/file/307/adopted-rotherham-core-strategy>

Rotherham Sites and Policies Document:

<https://www.rotherham.gov.uk/downloads/file/478/sites-and-policies-document>

Rotherham Annual Monitoring Reports:

<https://www.rotherham.gov.uk/downloads/download/76/annual-monitoring-reports>

National Planning Policy Framework:

<https://www.gov.uk/guidance/national-planning-policy-framework>

Planning Practice Guidance:

<https://www.gov.uk/government/collections/planning-practice-guidance>

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Local Plan Core Strategy

1. Background

- 1.1 The Council's Local Plan provides a long-term development strategy for Rotherham, setting out policies and proposals for new development. It consists of the Core Strategy 2013 – 2028, the Sites and Policies Document, the Barnsley Doncaster Rotherham Joint Waste Plan and those Neighbourhood Plans adopted to date (Dinnington St John's, Wickersley and Maltby parishes). Collectively these planning policy documents are used to make planning decisions and determine planning applications.
- 1.2 The current Core Strategy (adopted 2014) identifies the broad locations for delivering new housing, employment, and other development. It sets out how much new development is needed, where it should go and when it should be delivered. It also sets out the strategic policies and the required new infrastructure to make this happen. The detailed development management policies and site allocations to deliver this new development are set out in the separate Sites and Policies Document (adopted 2018).
- 1.3 Local planning authorities are required by legislation to review Local Plan documents at least every five years from the date of adoption and publish the outcome. The review should decide either that Local Plan policies do not need updating, or, that one or more policies do need updating.
- 1.4 The Core Strategy has been reviewed in line with current Government guidance, taking into account:
 - The Council's declaration of a climate emergency, the target to reduce Rotherham's borough-wide carbon emissions to net zero by 2040, and support for the integration of low carbon energy and decentralised heat and energy networks throughout the Borough.
 - The Council's declaration of a nature crisis, the national introduction of Biodiversity Net Gain plus 10% and the emerging Local Nature Recovery Strategy for South Yorkshire.
 - The Council's priority of achieving Social Value.
 - Changes to national planning policy, including the introduction by Central Government of a standard method for calculating local housing requirements and consequent amendments to the plan period for updated policies.
 - Updated national planning policy on affordable housing.
 - A new national standard for increased internal floorspace for new housing and South Yorkshire guidance on increased garden sizes.
 - Updated national policies and guidance on conserving and enhancing the water environment and dealing with flood risk.
 - The importance of reducing carbon emissions and reducing reliance on fossil fuels.

- Updated infrastructure requirements to ensure growth aligns with infrastructure.
- Updated national planning policy on design codes.
- An assessment of planning appeals performance.
- The results of Local Plan monitoring.
- Duty to co-operate discussions with neighbouring councils.
- Other relevant changes in circumstances.

1.5 The Core Strategy Partial Update does not include a review of existing development site allocations, nor does it seek suggestions for future development sites within the Borough. It is limited to the wording changes to those planning policies identified by the five year review as requiring an update.

1.6 It is noted that there may be changes to legislation and planning policy by the new Government, any changes that impact upon the proposals outlined will be subject of further reports to Cabinet.

2. Key Issues

2.1 A review of the Core Strategy was undertaken in 2019 and reported to Members (Cabinet 08/07/2019, minute 31 refers). The review was refreshed in 2023 to take account of significant changes to legislation, revised national planning policy, Census 2021, local policy changes and updated Local Plan evidence base. The 2023 refresh of the Core Strategy review is attached at Appendix 1.

2.2 The five year review of the Core Strategy supports a partial update. Apart from a new policy on Social Value, the Core Strategy Partial Update does not introduce any other new policies. It updates several existing policies to reflect Government national planning policy changes, local Council policy priorities and updated supporting evidence studies.

2.3 The Levelling-up and Regeneration Act 2023 (the 2023 Act) introduces significant changes to local plan making. The new system would require the preparation of a single local plan combining both the Core Strategy and Sites and Policies into one document, with a proportionate and supporting evidence base, and would need to be prepared and adopted within 30 months. The process also requires paid for independent gateway reviews by the Planning Inspectorate at key stages of plan preparation. However, transitional arrangements are in place to enable local plans that are well advanced to be submitted for examination under the current plan-making system.

2.4 To take advantage of the transitional arrangements requires submission to Central Government by the end of June 2025, so that the Core Strategy Partial Update can be examined under the current plan-making system. This approach also reduces the risk of planning by appeal by avoiding a

delay while the new plan-making system beds in. The report seeks approval for the first round of consultation on the Core Strategy Partial Update to be undertaken from August to September 2024. A second round of consultation would be undertaken in February/March 2025 following Cabinet approval of any further changes to policy wording, prior to submission to Central Government for examination. Consultation responses received at that stage will be determined by the Planning Inspector.

- 2.5 The Core Strategy Partial Update takes account of Central Government changes to national planning policy on housing delivery. This introduced a “standard method” for calculating housing need, with performance measured by the annual housing delivery test. The standard method is based on household growth projections, local affordability and previous delivery. It simplifies the calculation of annual housing need and provides a figure for each local authority.
- 2.6 The standard method results in a lower requirement for Rotherham of 554 new homes a year, below the target of 958 a year in the adopted Core Strategy. This allows the plan period to be extended without affecting the existing allocated sites in the Sites and Policies Document. The indicative provision of new homes in Core Strategy Policy CS1 is amended, as it now reflects a longer plan period to 2040. This does not mean that any extra new homes will be built above the capacity of existing allocated sites in these settlements. It is simply to reflect that the amended policy covers a longer time period.
- 2.7 When the Sites and Policies Document was adopted in 2018 it allocated enough housing land to meet the target for the plan period of 2013 to 2028, but several large sites had capacity that would continue to be developed beyond 2028. The reduction in the annual requirement detailed in 2.6 above, means that the existing total housing requirement can be extended to 2035 without any changes.
- 2.8 Planning regulations require that updated Core Strategies have a lifespan of 15 years. Extrapolation of the annual target of 554 has therefore been shown through to 2040 as shown in Appendix 3. Policy SP1 in the Sites and Policies Document listed all allocated housing sites with their estimated capacity; along with homes already built, planning permissions at the time and estimated windfalls this capacity amounted to just under 19,000 new homes. So, in total there is a buffer of housing land supply that will last to 2040. This enables the plan period for the Core Strategy to be extended without requiring any new sites or extensions to existing sites.
- 2.9 Whilst the plan period is being extended in the updated Core Strategy, the supply of housing land in the Sites and Policies Document is not being changed. So, the effect on the ground is the same, by 2040 or thereabouts the same number of new homes can be delivered as would have been the case under the adopted Core Strategy – without requiring any new sites.

- 2.10 Appendix 3 illustrates the housing requirement and supply. The figures in column 5 identify the current total capacity to 2040, including remaining allocated sites, homes already built in the plan period, planning permissions and an estimate of windfalls. This is a capacity figure and not a determinant of exactly how many homes will be built. Final numbers will be subject to change depending upon the outcome of planning applications. Column 4 details the number of homes that Rotherham is required to build to meet the Government's current housing target for the borough.
- 2.11 The potential supply numbers are higher than the actual requirement, which means that Rotherham is in a strong position to meet its delivery requirements and to meet the five year land supply requirement. If the supply in column 5 was lower than the target, the Council would not be able to extend the plan period to 2040 without reviewing the Sites and Policies Document to allocate more land for housing. An assumption about potential windfall sites has been made, based on past delivery, which gives more comfort that Rotherham is able to meet its housing needs. However, windfall sites are obviously subject to planning permission and are not a forecast of actual delivery.
- 2.12 As housing growth is not now expected to be as high as anticipated by the adopted Core Strategy, the need for jobs remains in alignment with national housing and population growth targets. The employment sites already allocated in the Sites and Policies Document therefore remain sufficient to meet all identified employment needs. This enables the employment land supply to also be spread over a longer time period to 2040 than that envisaged in the adopted Core Strategy, without requiring any new sites.
- 2.13 The main changes to the Core Strategy policies requiring an update are summarised in the table below.

| Policy | Proposed changes |
|---|--|
| Policy CS 1 Delivering Rotherham's Spatial Strategy | <ul style="list-style-type: none"> • Policy updated to amend the indicative provision of new homes and employment land to reflect the extended plan period to 2040. This provision can be met by existing allocated sites, so no new sites are required. • Includes a clear policy statement reflecting the Council's response to climate change and the public health agenda. |
| Policy CS 6 Meeting the Housing Requirement | <ul style="list-style-type: none"> • Policy updated to establish a lower housing requirement of 554 new homes a year for an extended plan period of 2025 to 2040 inclusive, reducing the annual housing target to align with national planning policy. No new sites are required. |

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| | <ul style="list-style-type: none"> Clarifies the Council's approach to windfall developments, to promote a more sustainable pattern of development. |
| Policy CS 7 Housing Mix and Affordability | <ul style="list-style-type: none"> Policy updated to reflect changes to national planning policy that require smaller sites to provide affordable housing, to achieve one of the Council's objectives. Requires new development to meet the national space standard to provide new homes with more internal floorspace. Sets external space standards reflecting those in the South Yorkshire Residential Design Guide to provide new homes with larger gardens. |
| Policy CS 8 Gypsy and Traveller Accommodation | <ul style="list-style-type: none"> Policy updated to reflect the latest Gypsy and Traveller accommodation needs assessment, which can still be met by the site allocated in the Sites and Policies document. |
| Policy CS 9 Transforming Rotherham's Economy | <ul style="list-style-type: none"> Policy amended to update the employment land requirement for an extended plan period to 2040, to reflect the take up of land to date. No new sites are required. |
| CS16 New Roads | <ul style="list-style-type: none"> Policy deleted as most of the road schemes have been completed or are no longer being pursued. |
| CS17 Passenger Rail Connections | <ul style="list-style-type: none"> Policy updated to include the proposed new mainline station close to the Tram Train link in Rotherham and support the creation of a new station opportunity at Waverley. |
| Policy CS 24 Conserving and Enhancing the Water Environment | <ul style="list-style-type: none"> Policy updated to clarify the hierarchy for disposal of surface water in line with national guidance. Reflects emerging mandatory requirements for the implementation of SuDS, referencing measures to reduce the impacts of climate change. |
| Policy CS 25 Dealing with Flood Risk | <ul style="list-style-type: none"> Policy updated regarding surface water flooding. Incorporates climate change allowances into flood risk assessments. Includes provision of sustainable drainage systems in design proposals for new development. |

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| Policy CS 26 Minerals | <ul style="list-style-type: none"> • Policy updated to remove support for proposals relating to extraction or exploitation of fossil fuels. • Promotes robust aftercare practices which create sites of value for agricultural use, nature conservation and recreational use. |
| CS27 Community Health and Safety | <ul style="list-style-type: none"> • Policy updated to reflect closer links between planning policies and public health objectives in response to the emerging health and well-being agenda. • Wording also acknowledges the benefits arising for public health for all communities from improved access to green and open spaces. |
| Policy CS 30 Low Carbon & Renewable Energy Generation | <ul style="list-style-type: none"> • Policy updated to reflect Council policy following the declaration of a climate emergency and the target of reducing Rotherham's borough-wide carbon emissions to net zero by 2040. • Sets out electric vehicle charging infrastructure requirements to reflect national standards and the Council's supplementary planning documents. • Requires submission of energy statements with planning applications to demonstrate how proposals have sought to minimise carbon emissions. • Supports the connection of new developments to existing or proposed district heat networks where practicable. |
| Policy CS 32 Infrastructure Delivery and Developer Contributions | <ul style="list-style-type: none"> • Policy updated to refer to the Developer Contributions, Development Viability and Affordable Housing Supplementary Planning Documents, to strengthen the policy approach to developer contributions. • Wording also clarifies the Council's approach to development viability appraisals to minimise challenges to site viability to protect delivery of affordable housing. |
| Policy CS 33 Presumption in Favour of Sustainable Development | <ul style="list-style-type: none"> • Policy retitled and rewritten to introduce a new evidence-based policy supporting Social Value, by requiring developers to submit a Social Value Statement with planning applications focussing on skills and employment. |

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| | <ul style="list-style-type: none"> • Also rewritten to avoid duplicating national planning policy. |
| Policy CS 34 Housing Delivery and Ongoing Co-operation | <ul style="list-style-type: none"> • Policy deleted in light of actions completed by the Council and to reflect the introduction of the Government's Housing Delivery Test, which renders the policy obsolete. |

3. Options considered and recommended proposal

3.1 In accordance with national planning policy and guidance, the five year review has considered whether the Core Strategy:

- Is consistent with current national planning policy.
- Reflects current legislation.
- Continues to align with the Council's vision and other corporate strategies and policies.
- Is delivering as intended.
- Responds to new opportunities and/or challenges.

3.2 Option 1: Partial update of Core Strategy

The findings of the five year review and its subsequent refresh, indicate that a partial update of the Core Strategy focused only on those policies requiring amendment is appropriate. This targeted approach ensures that the update is undertaken in a timely and efficient manner and utilises the 2023 Act's transitional arrangements for plan-making.

3.3 Option 2: Full review and update of Core Strategy

The five year review does not indicate that a full update of the Core Strategy is required. A full update would have significant time, resource and cost implications and would require the preparation of a single Local Plan in accordance with the 2023 Act's requirements for new plan-making and a robust evidence base to support each of the proposed policies.

3.4 Option 3: Do not progress with an update of the Core Strategy

Where Local Plan policies are out of date this can harm the Council's ability to deliver on its strategic objectives. The Council may be susceptible to decisions being challenged by planning appeals, and reduce the ability to provide certainty for residents, developers and investors. If the Council does not update the Core Strategy, it cannot take advantage of the transitional arrangements under the 2023 Act. The Council would be required to undertake a whole plan review in due course by Central Government under the new plan-making system. This would entail setting a new housing target, identifying new housing and employment sites through a general "call for sites" with potentially a review of the Borough's green belt.

3.5 Option 1 is recommended, options 2 and 3 are not considered appropriate. The five year review does not indicate a need for a full update of the Core Strategy. A partial update addressing the key areas of updated legislation and local policy changes is recommended, utilising the transitional arrangements under the 2023 Act and minimising resource and cost implications.

4. Consultation on proposal

4.1 The five year review of the Core Strategy has been undertaken in consultation with relevant services, including Transportation, Housing, Climate Change, Public Health, Ecology, RiDO, and Drainage. The Core Strategy Partial Update once published for consultation purposes, will again be circulated for further discussion with relevant services.

4.2 The Core Strategy Partial Update consultation draft is attached at Appendix 2. Sections 1 and 2 of the document explain the reasons for the partial update, why the Council is consulting on the draft and how to comment. Section 3 outlines the evidence base supporting the document and seeks views on whether any additional evidence is required.

4.3 Section 4 sets out the options for changes to the Core Strategy that arise from the five year review. Views are sought on the Council's preferred option in each case. To give some examples, Question 15 seeks views on whether the Core Strategy's policy on mineral extraction should remain as currently worded or be amended to remove support for the extraction of fossil fuels, which is the Council's preferred option. And Question 19 seeks views on amending the Core Strategy policy on sustainable development to incorporate a new Social Value policy, which is the preferred option to reflect and help implement Council priorities. The new policy would require developers to submit a Social Value Statement to support planning applications for major development. This statement would need to demonstrate how the development contributes positively to:

- Delivering inclusive economic growth through local skills and employment via a local labour agreement.
- Creating healthier, safer and more resilient communities with less inequalities.
- Supporting the decarbonisation of new development opportunities.
- Supporting social innovation and enabling local residents and vulnerable groups to fully participate in society.

4.4 Section 5 seeks views on the Sustainability Appraisal of the Core Strategy Partial Update, a process required by legislation. The Sustainability Appraisal is included within the wider Integrated Impact Assessment (IIA) of the plan, which also includes an Equalities Impact Assessment, Health Impact Assessment and Habitats Regulation Assessment. The IIA will be published alongside the Core Strategy Partial Update consultation draft.

- 4.5 Section 6 seeks views on the duty to cooperate, which is the requirement on local planning authorities to cooperate on strategic planning matters that cross administrative boundaries.
- 4.6 Sections 7 and 8 set out the timetable for the Core Strategy Partial Update and provide references.
- 4.7 Appendix 1 to the Core Strategy Partial Update is the technical focus of the consultation, it provides a “track changed” version of each policy to be updated showing the changes that would apply from the Council’s preferred option given in Section 4. Views are sought on the specific wording changes to each policy and the replacement of the Infrastructure Delivery Schedule in the Core Strategy with an updated schedule to reflect the 2021 Infrastructure Delivery Study.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The report sets out the key concerns relating to the preparation, consultation, examination and anticipated adoption of the Core Strategy Partial Update. Failure to meet the submission deadline of 30 June 2025 under the 2023 Act’s transitional arrangements would have significant implications for the Council, as set out in sections 2 and 3.
- 5.2 Subject to Cabinet approval, public consultation in line with relevant legislation and the Council’s Statement of Community Involvement would be undertaken of the Core Strategy Partial Update for a period of six weeks from August to September 2024. The consultation would be carried out on-line using the Council’s Local Plan consultation website.
- 5.3 The Core Strategy Partial Update consultation would not include a review of existing development site allocations, nor would it seek suggestions for future development sites within the Borough. It would be limited to the wording changes to those planning policies identified by the five year review as requiring an update.
- 5.4 To achieve consistency with the Council’s document style, changes to numbering, structure, formatting and images may be made prior to publication of the Core Strategy Partial Update consultation document.
- 5.5 Member engagement will be arranged during the consultation period. This can be via a Members’ Seminar and/or other suitable methods and forums. Officers will also be available during the consultation period to provide individual member briefings as required.
- 5.6 Following the consultation, a feedback report and recommended changes to the Core Strategy would be brought back to Cabinet in December 2024, with a recommendation to publish the Core Strategy Partial Update proposed submission version (final draft) for further consultation for six weeks in February/March 2025. Following this second round of consultation, the Core Strategy Partial Update, all representations received

and supporting evidence would be submitted to Central Government in June 2025 for examination by an independent planning inspector.

- 5.7 The revised Local Development Scheme sets out the timetable for Local Plan preparation in more detail, with key stages and dates for the Core Strategy Partial Update.

6. Financial and Procurement Advice and Implications

- 6.1 The Core Strategy Partial Update relies on the preparation of technical evidence and supporting documents, undertaking public consultation, and examination and adoption costs. Existing approved revenue budgets fund the team preparing the revised Core Strategy and the two rounds of public consultation.
- 6.2 The costs for the Core Strategy Partial Update and required evidence base are estimated at £120,000 for which there is no current budget provision. The bulk of this will be the Planning Inspectorate fees for the independent examination, anticipated to be incurred in 2026/27. These costs are additional to the Council's current approved Budget and MTFs, as such the costs for 2024/25 will be a pressure, although in 2025/26 and 2026/27 they can be considered as part of the Council's Budget setting process. The Core Strategy Partial Update is the most financially advantageous option as it allows the Council to utilise the transitional arrangements rather than undertaking a whole scale plan review which would have significantly higher cost implications, estimated to be in excess of £1m.
- 6.3 There are no direct procurement implications based on the recommendations detailed in this report. It is important to note that where there is a requirement to engage third-party suppliers to support the work required as part of the Core Strategy Partial Update this must be procured in compliance with the Public Contract Regulations 2015 (as amended) or Procurement Act 2023 whichever is the relevant legislation at the time as well as the Council's own Financial and Procurement Procedure Rules.

7. Legal Advice and Implications

- 7.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country Local Planning (England) Regulations 2012 as amended require a Local Planning Authority to review, prepare and maintain an up to date Local Plan.
- 7.2 Without the adoption of the proposed Core Strategy Partial Update there is a risk that with the lack of up to date planning policy adopted by the Council, future development within the borough could be subject to a third party challenge and the policy weight given to the existing Local Plan policies would be weakened.

8. Human Resources Advice and Implications

- 8.1 There are no Human Resources implications associated with the preparation of and consultation on the proposed changes to the policies of the Core Strategy.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no implications for children and young people and vulnerable adults associated with the preparation of and consultation on the proposed changes to the policies of the Core Strategy.

10. Equalities and Human Rights Advice and Implications

- 10.1 An equalities screening has been completed and is attached as an Appendix. A full equalities analysis is not required. However, the Integrated Impact Assessment prepared to accompany the amended policies of the Core Strategy, includes sustainability appraisal, health and equalities assessments.

11. Implications for CO₂ Emissions and Climate Change

- 11.1 There are no direct negative implications on CO₂ emissions or climate change, however a clearer approach to mitigating impacts of climate change is now proposed to be included within the Core Strategy as the proposed amendments to policies better reflect the climate change agenda.
- 11.2 The Carbon Impact Assessment attached as an Appendix has been reviewed by the Climate Change Officer and Climate Champion.

12. Implications for Partners

- 12.1 The implications for partners or other directorates are mainly associated with awareness of the preparation and consultation programme for undertaking the Core Strategy Partial Update, including contributions to policy drafting from specialist officers within the Council. Briefings and joint working will be undertaken as appropriate.

13. Risks and Mitigation

- 13.1 Local planning authorities are required to prepare and maintain an up-to-date Local Plan under The Planning and Compulsory Purchase Act 2004 (as amended). If the preparation of the Core Strategy Partial Update differs significantly from the timetables set out in the revised Local Development Scheme, this is likely to lead to a finding of non-compliance with the statutory legal test at the independent examination of the relevant document, making it “unsound”. An unsound plan cannot be adopted by the Council.

- 13.2 Ensuring that an up-to-date Local Plan is in place will provide a steer for all future development and neighbourhood plans under the provisions of legislation. Failure to do so may leave the Council at risk of planning decisions being challenged by planning appeals, and reduce the ability to provide certainty for residents, developers and investors.
- 13.3 Costs have been estimated based on information available at the present time. There is a risk that additional budget may be required should the results of public consultation highlight the need for further work. Furthermore, the final cost of examination will be determined by the timetable established by the independent planning inspector, which is beyond the Council's control.

14. Accountable Officers

Andrew Bramidge, Interim Strategic Director of Regeneration and Environment

Approvals obtained on behalf of Statutory Officers: -

| | Named Officer | Date |
|--|----------------------|-------------|
| Chief Executive | Sharon Kemp OBE | 16/07/24 |
| Strategic Director of Finance & Customer Services (S.151 Officer) | Judith Badger | 10/05/24 |
| Assistant Director, Legal Services (Monitoring Officer) | Phil Horsfield | 10/05/24 |

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