

Revised South West Rugby Masterplan Supplementary Planning Document. Consultation Statement

A public consultation on the draft South West Rugby Masterplan Supplementary Planning Document was held between Monday 15th January 2024 and 5m on Monday 15th February 2024.

Notices of the consultation were placed in The Rugby Observer on Friday 12th January 2024 and in the Rugby Advertiser on Thursday 11th January 2024. Copies of the press notices are included as **Appendix 1** below.

Notice of the consultation was sent to all those on the council's planning consultation database by email or letter.

During the consultation period a copy of the draft updated SPD and supporting evidence were made available on the council's website and at the following locations:

Rugby Borough Council's offices, Town Hall, Evreux Way, Rugby, CV12 2RR,
Rugby Library and Information Centre, Little Elborow Street, Rugby, CV21
3BZ
Dunchurch Community Library, The Green, Dunchurch, Rugby, CV22 6PA
Wolston Library and Information Centre, Warwick Road, Wolston, Coventry,
CV8 3GX.

Eight responses were received in response to the consultation. A summary of the main issues raised in responses to the consultation and how those issues have been addressed in the supplementary planning document is set out in **Appendix 2** below.

Appendix 1

Press notices of the public consultation

Classified

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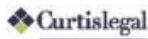
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PLANNING AND COMPULSORY PURCHASE ACT 2004
TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND)
REGULATIONS 2012

Notice is hereby given of the publication of the amended South West Rugby Masterplan Supplementary Planning Document for public consultation between Monday 10th January 2024 and 5pm on Monday 12th February 2024.

The supplementary planning document has been amended to include updated strategic infrastructure costs in Appendix K. The document can be accessed on the council's website www.rugby.gov.uk/south-west-rugby and at the following locations:

- Rugby Borough Council's offices, Town Hall, Evesux Way, Rugby, CV21 2RR.
- Rugby Library and Information Centre, Little Elbowe Street, Rugby, CV21 3BZ.
- Dunchurch Community Library, The Green, Dunchurch, Rugby, CV22 5PA.
- Wolston Library and Information Centre, Warwick Road, Wolston, Coventry, CV8 3GX.

Consultation responses can be sent via email to localplan@rugby.gov.uk with 'South West Rugby Consultation' in the subject line or by post to South West Rugby Consultation, Rugby Borough Council, Development Strategy Team, Town Hall, Evesux Way, Rugby, CV21 2RR.

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Appendix 2

Main issues raised in responses to the consultation and how those issues have been addressed in the supplementary planning document

Respondent	Main issues raised	How those issues have been addressed in the supplementary planning document
Environment Agency	No comments to make on the proposed amendments.	Noted.
Historic England	No comments to make on the proposed amendments.	Noted.
Natural England	No comments to make on the proposed amendments.	Noted.
Sport England	<ul style="list-style-type: none"> The SPD still fails to provide clarity as to how the need from the development would best met. The Council's emerging Playing Pitch Strategy identifies that there is a significant shortfall in rugby provision within the urban area and the provision of additional pitches / club relocation with increased provision would assist in addressing shortfalls and cater for demand generated from new developments. In relation to the football and cricket provision it is noted that this could be provided as a hub site linked to the proposed Secondary School. It is also acknowledged that the SPD 	<p>The updated SPD makes clear the playing pitches that will be provided on site, together with the level of off-site contributions that will be sought and what these will be indicatively be spent on.</p> <p>In accordance with Reg 122 of the CIL Regulations, the South West Rugby development cannot be required to address existing shortfalls within the town. This matter will be considered within the new Local Plan for the borough.</p> <p>The level of playing pitches that can be provided on site is constrained by the available land area after other uses.</p> <p>Pitches provided on site would need to have an end user in mind that could maintain them. Applying a service charge to new homes within South West Rugby to fund maintenance of public sports pitches would place an unfair financial burden on those properties. No other workable options for</p>

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	<p>states that the pitches to meet the demand generated from the development will in addition to that of the Secondary School's playing field requirement, which is welcomed. However, it is unclear if the land take for the Secondary School site and its costing is inclusive of the hub site or not.</p>	<p>long-term maintenance of playing pitches were identified, except for maintenance by the secondary school.</p> <p>Therefore, it is proposed that Warwickshire County Council seeks to negotiate a community use agreement for the playing pitches which are located at the school. Developer contributions will be applied to delivering higher quality provision at the school sports hub to facilitate community use.</p> <p>A further contribution is likely to be sought for improvements of existing off-site pitches in the vicinity of the site based on high-level proposals from the council's leisure team.</p>
Tritax Symmetry	<ul style="list-style-type: none"> • The compliance of all obligations with Regulation 122 of the Community Infrastructure Levy Regulations 2010 needs to be considered. • There is insufficient evidence to justify and explain the revised costings. In particular, concern about the large contingency amounts being allowed. • The number of dwellings needs to be clarified. 	<ul style="list-style-type: none"> • The compliance of obligations with Regulation 122 has been subject to further scrutiny since the consultation. The outcome in relation to each contribution is explained in the comparison version of Appendix K, included within the cabinet/council report. • Rugby Borough Council is not, in most cases, the infrastructure provider. The council is therefore reliant upon information provided to it by infrastructure providers. The level of contingency applied is what is considered reasonable by the infrastructure provider. However, in relation to off-site junction improvements, further work has been undertaken by consultants commissioned by Homes England to produce updated designs and costings, these have been reviewed by the

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	<ul style="list-style-type: none"> • Inflation rates applied need to be explained. • It needs to be explained why references to “a proportion” of the cost have been deleted. • There is no acknowledgement of ‘works in kind’ being offset. • There is no commentary on how the costs relate to Rugby Borough’s Community Infrastructure Levy. 	<p>county council. 60% contingency has been applied to these estimates by the county council for the following reasons:</p> <ul style="list-style-type: none"> ○ Financial risk around utilities, land, structures and commuted sums. ○ The designs are at pre-feasibility stage without the benefit of Road Safety Audits (RSAs), identifications for design departures, swept path analyses or land availability checks. ○ To allow for the technical and legal process for land acquisition including any compensation to private landowners which may be required. <ul style="list-style-type: none"> • The contributions are based on 3990 dwellings. • In relation to inflation, in the case of contributions to Hospital of St Cross, these have been index adjusted using the RICS CIL Index which is based on the BCIS All-in Tender Price Index. Costs for schools are not based on inflation adjusting previous costings, but are based on benchmarking against similar projects. The costing for the GP surgery is similarly based on a more up to date build cost. The cost of transport schemes are based on new costings, rather than updating previous costings for inflation. The costings do not include any allowance for future inflation, which will be dealt with through s106 indexation.

Respondent	Main issues raised	How those issues have been addressed in the supplementary planning document
		<ul style="list-style-type: none"> <li data-bbox="1182 316 2029 1157">• The costings for new strategic routes (Homestead Link and Potsford Dam Link) and off site highway improvements in Appendix K of the 2021 SPD as “a proportion of” the relevant figure. This reflected the potential for other schemes to come forward, not forming part of South West Rugby, which could contribute to these schemes. Analysis has been undertaken of the offsite highways schemes in Appendix K for their compliance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. Where schemes are retained in Appendix K, it is because they are necessary to mitigate the development. Notwithstanding that, the term “a proportion of” has been retained to cover the potential for other developments within South West Rugby or its vicinity to come forward. If such schemes were to come forward they should contribute to the cost of these infrastructure items. However, absent any such schemes coming forward, the whole cost of the infrastructure would need to be paid by South West Rugby. Where other schemes have already contributed to an infrastructure item listed in Appendix K, this is noted in the comparison version of the Appendix and the cost has been reduced accordingly. <li data-bbox="1182 1204 2029 1380">• It is recognised that the development of the Tritax Symmetry employment land delivered M45 junction improvements and part of the Potsford Dam link and this was offset against other Appendix K contributions. A similar ‘payment in kind’ could occur in future. This does

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		<p>not need to be specifically stated in Appendix K, so no change to the document is made.</p> <ul style="list-style-type: none"> The Community Infrastructure Levy charging schedule for Rugby Borough was brought into effect on 1 April 2024. The charging schedule zero rates the South West Rugby allocation on the basis of viability evidence showing that CIL would not be viable in addition to the costs of s106 site specific mitigation (as set out in Appendix K). Rugby Borough Council will be collecting CIL from other developments in the borough. It is not considered appropriate to use future CIL receipts from other developments to pay for site specific mitigation for South West Rugby. The purpose of Appendix K is to provide the basis for a coordinated approach to South West Rugby funding that mitigation through s106.
<p>Homes England, Taylor Wimpey, L&Q Estates, Richborough (the South West Rugby consortium)</p>	<ul style="list-style-type: none"> It is highly likely that South West Rugby will not be viable without reducing Appendix K significantly or reducing affordable housing Warwickshire County Council's school costs should be tested. Query why the overall contribution sought by the Integrated Care Board to the GP surgery is higher than the build cost. Query the compliance of the contribution sought to St Cross 	<ul style="list-style-type: none"> Since the consultation a detailed exercise in reviewing the infrastructure in Appendix K for its compliance with the CIL Regulations has been undertaken. As detailed in the report to cabinet, there remains a viability gap and options for closing that need to be considered. It is understood that the consortium now accepts, following further engagement with Warwickshire County Council, that the school costs are reasonable. The additional cost in relation to the GP surgery is explained by 14% professional fees, design and planning costs and 12% contingency.

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	<p>Hospital with the CIL Regulation 122 tests.</p> <ul style="list-style-type: none"> • Provide amended costings for Homestead link road and Community Spine Road. • Potsford Dam Link should only be included in Appendix K if it performs a strategic function by connecting to the Potsford Dam roundabout. • Calculations should be based on 3990 homes. • Sports pitch provision will be provided as part of a dual community use with the secondary school. It would be prudent for the sports pitch contributions to be pooled with the secondary school contributions to deliver cost efficiencies and a better outcome. • The contribution to National Cycle Route 41 Potsford Dam to Draycote Water is not justified as necessary to mitigate the South West Rugby development. 	<ul style="list-style-type: none"> • The contributions to St Cross Hospital have been considered by the council. As these contributions are towards specific infrastructure and derive from Appendix 3 of the local plan, it is considered that they meet the Regulation 122 tests and do not fall foul of g R (University Hospitals of Leicester NHS Trust) v Harborough District Council [2023] EWHC 263 (Admin) and R (Worcestershire Acute Hospitals NHS Trust) v Malvern Hills District Council & Ors [2023] EWHC. The proportion of the cost of this infrastructure being apportioned to South West Rugby is less than a pro-rata share with other development in the borough. • Updated Homestead Link Road and Community Spine Road costs provided by Homes England have been included in the SPD. • The council agrees that it is essential for the Potsford Dam Link to connect to Potsford Dam roundabout. • All calculations have been based on 3990 homes. • The council agrees that some of the sports pitch contributions should be pooled with the secondary school contributions to deliver higher quality provision at the secondary school for community use. • In relation to the contributions to cycle infrastructure, Rugby Borough Council has taken the advice of Warwickshire County Council (WCC) as the local

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	<ul style="list-style-type: none"> • The contribution to the cycle road B4429 Ashlawn Road/A428 to Great Central Way/DIFT is not justified as necessary, nor directly related to the development, nor fairly and reasonably related in scale and kind to the development. • South West Rugby should not be contributing to the cost of new bus services which extend north of Rugby railway station. • The consortium query the justification for a number of the included items of bus infrastructure and state that contributions to the south bound Leicester Road bus stop do not meet the CIL Regulation 122 tests. • The consortium queried a number of the contributions to off site highways schemes. • The cost of the fire and rescue centre should be removed from Appendix K, only the requirement to provide land should remained. The contributions to fire and rescue should be sought on a scheme by scheme basis and 	<p>highways authority. WCC considers that the contributions to the two cycle routes are needed to mitigate the development. Therefore, these are retained in the SPD.</p> <ul style="list-style-type: none"> • In relation to the bus contributions, WCC has confirmed that these contributions do not include the cost of funding bus routes north of Rugby Station. • The bus infrastructure contributions in Appendix K of the SPD have been revised in response to the consortium comments. The council and WCC agree that the contribution to the Leicester Road south bound bus stop does not meet the CIL Reg 122 tests and so this has been deleted from the SPD. • Following the consultation, detailed work was undertaken by Warwickshire County Council and Homes England to consider the off-site junction improvements, both in terms of whether each scheme is necessary, and its design and costing. The outcomes of that work are reflected in the updated SPD. • The fire and rescue contribution is required to deliver a new facility in the south of Rugby to serve South West Rugby in the required response times. As detailed in the updated Appendix K, that provision will not now be on site. The level of contributions sought are based on Warwickshire County Council's advice on the cost of the

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	<p>based on the calculators on the Warwickshire County Council website. The information stated on the WCC website is that contributions towards fire and rescue services costs of £279 per new dwelling and £12 per square metre of non-residential developments will be sought. This would equate to £1,113,210 for 3990 dwellings.</p>	<p>new facility, rather than on a tariff based approach using the cost per dwelling detailed on the WCC website.</p>
Resident	<ul style="list-style-type: none"> • Comments on the lack of bus shelters on the two bus stops in Mill Road and for the south-west bound bus stop on the A426 Leicester Road. • Expresses hope that new provision at the south end of Rugby will be of a much higher standard. 	<p>Improvements to bus stops on Mill Road and Leicester Road are not within the scope of the SPD.</p> <p>The SPD includes updated bus infrastructure costs. The proposals would deliver bus infrastructure of a high standard.</p>
Resident	<ul style="list-style-type: none"> • Expresses concern about loss of farmland, green space, countryside and trees. • Expresses concern about town centre decline. • Expresses concern about adequacy of infrastructure, traffic, GPs, dentists, schools. 	<p>These comments relate to the principle of development of land at South West Rugby. That principle was established through the Local Plan 2011-2031 which was adopted in 2019.</p> <p>It is not within the scope of the review of the SPD to reconsider the principle of development of the site.</p>

