

Rugby Borough Local Plan Review

Regulation 18 Issues and Options Consultation

Representations on behalf of Ashfield Land

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Author: ARG/SB



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1. INTRODUCTION

- 1.1. These representations are made by Pegasus Group, on behalf of Ashfield Land, in response to the Issues and Options consultation for the Rugby Borough Local Plan.
- 1.2. Ashfield Land have land interests east of the A5 totalling 16.52 hectares. The site, which is identified on the Site Location Plan at Appendix A, straddles the boundary between Rugby Borough and Harborough District, with the majority of its area falling within the latter.
- 1.3. These representations have had regard to the published consultation document and questions set out therein, accompanying documentation forming the current evidence base, and the national planning context.
- 1.4. The tests of soundness that Development Plans need to meet so as to be legally compliant and found sound, are set out in the National Planning Policy Framework 2023 (NPPF), Paragraph 35:
 - **Positively prepared** – providing a strategy which, as a minimum, seeks to meet objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective** – deliverable over the Plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.
- 1.5. These representations refer directly to the specific questions set out in the Issue and Options consultation document and also respond to and comment on the evidence base documents where appropriate.

- 1.6. The representations are submitted via email to localplan@rugby.gov.uk as per the procedure set out by the Council. They are accompanied by the Call for Sites pro-forma, which is also included in Appendix 3.

2. CHAPTER 3: LAND FOR EMPLOYMENT USES

Q-1. How much employment land should we be planning for?

- 2.1. It is imperative for there to be a sufficient supply of sites to meet the need for employment land, as acknowledged in the Sustainability Appraisal Scoping Report and in line with Paragraph 86 of the NPPF, which states that planning policies should set identify sites to meet the anticipated need for employment land over the plan period. This will allow for economic growth and prosperity in the Borough as encouraged by Paragraph 85. Crucially, the right type of land should be provided in the right places as per Paragraph 8.
- 2.2. The need for additional employment land within Rugby, is identified in the Coventry & Warwickshire Housing and Development Needs Assessment (HEDNA). In terms of employment land, this states that 5.2 hectares are required between 2021 – 2041 for office space and 150.5 hectares for general industrial, with 551 hectares of strategic B8 needed across Coventry and Warwickshire as a whole (including Rugby).
- 2.3. By 2050, these figures increase to 6.5, 218.2, and 735 hectares respectively, and it is this amount of land which should be planned for, if this longer plan period is chosen, to ensure that there is enough available in the longer term to meet the needs of the borough and region, in the case of strategic B8 (noting that only some of this land will be delivered within Rugby borough). This is important because strong demand (particularly for B8 units) may drive higher levels of employment development in the coming decades. Based on the current completion data, to be found sound, the plan must provide land that is positively prepared to meet needs which, in turn, can be effective.

Q-2. What type of employment land should we be planning for?

- 2.4. It will be important to ensure a supply of employment land across all sectors throughout the plan period, as acknowledged by the Council in the Issues and Options consultation document. In particular, however, it will be critical to plan for Class B8 warehousing, both strategic (in excess of 9,000 square metres) and smaller units, due to the demand which exists for this, as stated in the HEDNA (for example, at Para 2.15 of the Executive Summary). As noted in the report, there will be a need to continually replenish the borough's industrial supply, so a focus on ensuring a suitable amount of this type of land should be a priority.

- 2.5. The NPPF requires development plans to be positively prepared in order to ensure soundness, and this includes consideration of meeting the need of neighbouring authorities. Leicestershire adjoins the Borough to the east, and the Warehousing and Logistics April 2021 (amended March 2022) report by GL Hearn, which was prepared for the county, considers the potential demand for employment floorspace over the period 2020–2041, with specific regard to developments with a floorspace in excess of 9,000sqm. The report identifies that there could be demand for significant employment floorspace across the regional area. Indeed, Table 51 identifies that land required for ‘road only’ operations over the period 2020–2041 is likely to range between 95ha and 112ha. The report also notes that there appears to be a low post-2030 supply pipeline of space and an overall shortfall of sites to 2041. Therefore, the increasing demand for these units is not just local, but regional too, something which is also recognised in the consultation document. Therefore, planning for this type of employment land can contribute towards meeting a wider identified need.

Q-3. Please provide any comments you have on the suitability of any of the broad locations listed above (or another location we have missed).

- 2.6. There are a series of considerations which must be taken into account when determining where employment land should be located. As Ashfield Land are promoting a site predominately for warehousing and strategic B8 uses, these representations focus on the locational requirements for this specific type of employment land. The HEDNA (Paragraph 11.22) notes the importance of road accessibility; power supply; proximity to rail terminals; labour availability; and neighbouring activities. Based on this, corridors for B8 development are identified as the M42/A446, M6, M45/A45, and A5 (Paragraph 11.24).
- 2.7. Evidently, these recommendations have influenced the Council’s selection of broad locations for strategic employment. These are predominately situated within the identified corridors, on major road networks, and in close proximity to settlements (and, in some instances, existing large employment sites). Whilst these locations are broadly suitable, given that they align with the advice set out in the HEDNA, it is contended that there is scope for further employment land to meet the borough’s need along the A5. Specifically, we propose the location north of the M6 and south of the A426. This area is currently used for quarrying, manufacturing, and concrete production. The south western edge of this area falls within Rugby Borough. Whilst it is acknowledged that the rest is in Harborough District, it is important to work across boundaries as part of the plan-making process, in accordance with

Paragraphs 25 and 26 of the NPPF and tests for soundness, and an employment site here will benefit both Rugby and Harborough economically.

- 2.8. Ashfield Land have land interests in a specific site here, south of Gibbet Lane and partly within Rugby, which is able to be delivered to meet the borough's employment need within the plan period, as quarrying has already ceased here. This is not the case for neighbouring sites which will continue to remain in this use for at least the medium term. The Site will be submitted for consideration alongside these representations as part of the Council's Call for Sites process.
- 2.9. The Site is exceptionally well located, sitting within the Golden Triangle, benefitting from easy access to the strategic road network (including the M1, M6 and M69). The Site is also in an Area of Opportunity. The Warehousing and Logistics April 2021 (amended March 2022) report identifies, at page 139, that Local Plans should ensure there are vacant plots of land available at strategic sites in at least two Areas of Opportunity within the Golden Triangle. The sites should have the ability to deliver high bay (20m plus) warehouses and have good access. Furthermore, as noted in the HEDNA (Paragraph 11.24), the A5 benefits from rail terminals at Hams Hall and DIRFT. There are no surrounding uses (i.e. residential) which would conflict with employment uses here; indeed, the area has already been associated with land in an employment use and is not untouched open countryside, although it is acknowledged that it does not classify as previously developed land under the definition set out in the NPPF.
- 2.10. More information about the Site and its merits for employment is included in Section 5 of these representations.

Q-4. Are there exceptional circumstances that mean we should amend Green Belt boundaries to meet the need for employment land?

- 2.11. The NPPF (Paragraph 45) notes that there is no requirement to review Green Belt boundaries, although this can be done if there are exceptional circumstances which are fully evidenced and justified. Clearly if there are locations available outside of the Green Belt which are deliverable and able to accommodate the required growth, this is preferable. The Site south of Gibbet Lane is not within the Green Belt and therefore this presents an opportunity to contribute to the employment land supply without having to alter Green Belt boundaries.

3. CHAPTER 7: CLIMATE CHANGE POLICIES

Q-24. Should we require developers to prioritise the delivery of biodiversity net gain within close proximity to the development?

- 3.1. The Environment Act 2021 introduced a mandatory requirement for developments to deliver a 10% biodiversity net gain (BNG). This can be delivered through enhancing biodiversity on site, a combination of on and off-site delivery (the latter could be on land owned by the developer outside of the red line boundary, or through purchasing off-site biodiversity units). Alternatively, biodiversity credits can be purchased. The Rugby Borough Local Plan must align with this, and the rest of the requirements set out within the Environment Act. Therefore, it would not be possible to require BNG in close proximity to the site given that other options are available and permissible under the legislation.

Q-26. We are considering requiring all new non-residential developments to be net zero. Do you agree?

- 3.2. Although a move towards delivering greater energy efficiency is supported, it is important that the Development Plan's response to climate change is realistic and consistent with national legislation and policy provisions, setting standards within a timetable which is collectively understood and deliverable across the development industry. Energy efficiency and the need to make significant improvements towards the pathway to net zero has been addressed at a national level through increasingly stringent Building Regulation requirements which become effective earlier this year.

4. CHAPTER 8: DESIGN CODING AND GUIDANCE

Q-29. Should we produce design codes as part of our new local plan?

- 4.1. The Government also has a National Design Guide and National Model Design Code which are in place to guide the design of development and Ashfield Land are supportive of the principle of Design Codes/Design Guides to support development. In principle, the introduction of design codes would accord with national policy where NPPF paragraph 134 states that *"Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale..."* (our emphasis).
- 4.2. However, the development of such policies should be justified in terms of the specifics of the development that would justify the introduction of a site specific design code/guide that goes beyond the detailed guidance in the National Design Code. That design code contains detailed headings and guidance on matters of Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses and Homes/Buildings, Resources and Lifespan and such detail need not be repeated in local policies if there is reference in the Local Plan to the National Design Code.
- 4.3. In addition, design codes/guides are not mandatory as set out in the NPPF, and the desire for such a policy tool to be utilised should not hold up development coming forward if such a tool is not in place. Further, even where introduced there needs to be some element of flexibility to allow developments to come forward even if they are not fully strictly in accordance with all criteria. Site specific matters and failure to comply with all criteria, where the alternative would not have detrimental impacts, should not be used as a blanket reason to refuse development.

5. LAND SOUTH OF GIBBET LANE, SHAWELL

- 5.1. Ashfield Land is promoting land south of Gibbet Lane (see Site Location Plan at Appendix 1) for future employment uses. The Site is to the north east of Rugby Town Centre and north west of the settlement of Shawell. Totalling 16.52ha, the south western part of the Site, adjacent to the A5, falls within Rugby Borough Council's administrative area, whereas the rest of the site is in Harborough District.
- 5.2. The Site is bound by the A5 to the south and west, and Gibbet Lane to the north. It adjoins land associated with the BMI Redland Shawell Plant, and beyond this is the Shawell Sand and Gravel Quarry, operated by Tarmac.
- 5.3. The Site falls within Zone 1 and is at a low risk of fluvial flooding. It is also at a low risk of surface water (pluvial) flooding, although there are some parts of the Site at its southernmost extent adjacent to the A5 that are at a medium risk of surface water flooding. The Site is not in a Conservation Area nor does it contain any listed buildings.
- 5.4. Other features in the wider vicinity include two Local Wildlife Sites, to the north of Gibbet Lane and to the east along Gibbet Lane. There is a Scheduled Ancient Monument to the south east, on the opposite side of the A5.
- 5.5. The Site has most recently been utilised for quarrying, and excavation of materials under permission granted by Leicestershire County Council on 17 December 2019 (ref: 2018/CM/O147/LCC) for an extension of the surrounding uses, to allow the extraction of sand and gravel at the Site the subject of this enquiry. All minerals (sand and gravel) have been extracted from the Site, and quarrying works have now ceased. Restoration plans have been approved for the restoration of the land to agriculture at the cessation of the quarrying. The restoration plans approved includes that the land will be returned to an agricultural use, a combination of arable and grassland (for pasture) in the form of a shallow bowl, complete with a balancing pond.
- 5.6. The Site sits within the Golden Triangle and, as referred above, is exceptionally well located for such development and within an Area of Opportunity for the delivery of future employment floorspace. Whilst the Site now needs to be restored in accordance with the County Council approvals, it is immediately available for development and could deliver high

quality employment development to meet the needs of the District to 2036, supporting its position within the Golden Triangle, contributing to the economy and creating jobs.

- 5.7. The Applicant has considered potential site constraints and is undertaking detailed technical work on a number of matters to demonstrate its suitability and deliverability. This is summarised below.
- 5.8. In terms of highways and transport, at this stage, it is considered that a roundabout off the A5 would provide the most suitable access into the site, similar to that serving Magna Park a short distance to the north. National Highways has already been engaged at a preliminary meeting and we understand that it would consider access onto the A5 if it is determined not to be practicable to use Gibbets Lane. Any roundabout would need to be designed to DMRB standards with swept path analysis and ultimately detailed traffic assessments as appropriate. Initial work is currently being undertaken as part of on-going dialogue with National Highways in order to inform the issues and confirm the optimum access strategy.
- 5.9. Ashfield Land has engaged Landscape consultancy work to understand the Site's context from a landscape point of view. This work is also currently ongoing but is considering the context of the Site and identifying constraints and opportunities that would inform a developing Masterplan. That work will inform the future promotion of the Site and can be shared with the local authority once available.
- 5.10. An initial Concept Masterplan has been drawn up and can be found in Appendix 2 (Drawing ref: 0601 P01). This demonstrates that the Site could accommodate circa 60,000sqm (GIA) of employment floorspace for Use Class B8 operations. The Masterplan prepared has not yet been subject to technical review but has been drafted to show how the Site could accommodate development, of a range of unit sizes (from circa 6,000sqm to circa 17,000sqm) and providing access off the A5 (as referred below). Parking is provided for each unit includes level access and dock loading doors as required for operational purposes, and units would be designed to accommodate business requirements for employment operators.
- 5.11. On behalf of Ashfield Land, Pegasus Group has sought to engage with Policy Officers at Rugby Borough Council to discuss bringing this site forward for employment. A meeting is due to take place towards the end of February 2024.



- 5.12. Alongside these representations, the Site has been submitted to the Council for consideration as part of its Call for Sites exercise (see Appendix 3).

6. SUMMARY

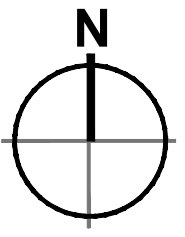
- 6.1. These representations have been prepared by Pegasus Group on behalf of Ashfield Land, who have land interests east of the A5 and south of Gibbet Lane, on the boundary between Rugby Borough and Harborough District. This land is being promoted for employment uses, specifically warehousing.
- 6.2. Numerous matters are covered within the Issues and Options document; due to our client's aspirations for the site, representations have mostly been provided on employment, as well as other relevant areas, namely climate change policies and design codes. More information about the site south of Gibbet Lane and its merits as a future employment site were set out in the subsequent chapter. This supports a Call for Sites submission.
- 6.3. It is contended that, in order to plan for long term need, the employment land needs to 2050 should be planned for. The HEDNA highlights that there is a strong demand for B8 units – not just within Rugby, but in the wider region too – and this demand is anticipated to increase in the coming decades. Therefore, it is imperative for sufficient land to be allocated for such units – both strategic warehousing and smaller industrial – so that this demand can be met. With regards to their location, the representations suggest that the area of land east of the A5 and south of the A426 would be a suitable area for employment, given that it meets the locational requirements set out in the HEDNA, including good accessibility. The site south of Gibbet Lane, promoted by Ashfield Land, was suggested as an optimal option which merits consideration; it is not within the Green Belt and as such is preferential to other locations where Green Belt release may be required.
- 6.4. Ashfield Land welcomes the opportunity to continue to comment upon the Local Plan Review. If the Council requires any further information in respect of the site south of Gibbet Lane to assist in accurately assessing it, this can be provided upon request.



APPENDIX 1: SITE LOCATION PLAN



- Dimensions are in millimeters, unless stated otherwise.
- Scaling of this drawing is not recommended.
- It is the recipient's responsibility to print this document to the correct scale.
- All relevant drawings and specifications should be read in conjunction with this drawing.



P01	Initial Issue	JW	MD	06.11.23
rev	amendments	by	ckd	date

Gibbet Lane, Shawell

Site Constraints

LOD 1	LOI 1
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+12m	Spot Heights: Google Earth	Indicated
	Sensitive Viewpoints	Unknown
	Noise Sensitive Boundary	Not Present
	Speed Limits and Road Names	Indicated
	Vehicle Access	Indicated
	Pedestrian / Cycle Access	Unknown
	Rail	Not Present
	Bus Stop	Not Present
	Height Restrictions	Unknown
	Listed Buildings	Not Present

	Flood Zone 2	Not Present
	Flood Zone 3	Not Present
	Flood Defences	Not Present
	River / Watercourse/ Ponds	Indicated
	Archaeological Features	Unknown
	Protected Species	Unknown
	Badger Setts	Unknown
	Existing Vegetation	Indicated
	Priority Habitat	Indicated
	Tree Protection Order	Unknown

	Ancient Woodland	Not Present
	SSSI, SPA, LNR etc.	Not Present
	Scheduled Monuments	Not Present
	Cat A Root Protection Area	Unknown
	Cat B Root Protection Area	Unknown
	Cat C Root Protection Area	Unknown
	Cat U Root Protection Area	Unknown
	Public Right of Way: Footpath	Indicated
	Public Right of Way: Bridleway	Indicated
	Private Means of Access	Unknown

	COMAH DPZ	Unknown
	COMAH Inner Zone	Unknown
	COMAH Middle Zone	Unknown
	COMAH Outer Zone	Unknown
	Overhead Cables	Unknown
	High Voltage	Unknown
	Low Voltage	Unknown
	Virgin Media	Unknown
	BT / Comms	Unknown
	Oil Pipeline	Unknown

	Gas Mains	Unknown
	Water Mains	Unknown
	Surface Water Sewer	Unknown
	Foul Water Sewer	Unknown
	Major Infrastructure Cables	Unknown
	Substation	Unknown
	Mast	Unknown
	Wind Turbine	Unknown
	Contaminated Ground	Unknown

Site Boundary 41.84 acres (16.93 ha)
Local Planning Authority Rugby Borough Council Harborough Borough Council
Parking Standards B2: 1:xxm² B8: 1:xxm²

Title Plans reference	Unavailable
Topographical Survey reference	Unavailable
Ordnance Survey reference	Unavailable
Document References: reference	

Design Review:
Site Constraints

10m SCALE 1:2000



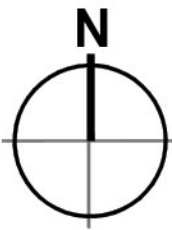
RIBA PoW Stage: Document Suitability: Drawn / Checked: Date: Scale: UMC Project Number: Document Reference:	0 - Strategic Definition S1 JW / MD 06/11/2023 1:2000 A1 23504 Drawing no: 0501 Revision: P01
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APPENDIX 2: CONCEPT MASTERPLAN



- Dimensions are in millimeters, unless stated otherwise.
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Schedule of Accommodation

Total GIA	-	631,188 ft²	(58,639 m²)
Site Area	-	41.84 acres	16.93 ha
Site Density GIA	-		34.63%

Unit 100			
Warehouse Area	-	181,412 ft²	(16,854 m²)
Office Area (incl. GF core)	-	9,548 ft²	(887 m²)
Gatehouse	-	300 ft²	(28 m²)
Unit 100 GIA	-	191,260 ft²	(17,768 m²)

Unit 200			
Warehouse Area	-	61,315 ft²	(5,696 m²)
Office Area (incl. GF core)	-	3,227 ft²	(300 m²)
Unit 200 GIA	-	64,542 ft²	(5,996 m²)

Unit 300			
Warehouse Area	-	121,996 ft²	(11,334 m²)
Office Area (incl. GF core)	-	6,420 ft²	(596 m²)
Unit 300 GIA	-	128,416 ft²	(11,930 m²)

Unit 400			
Warehouse Area	-	72,449 ft²	(6,731 m²)
Office Area (incl. GF core)	-	3,813 ft²	(354 m²)
Unit 400 GIA	-	76,262 ft²	(7,085 m²)

Unit 500			
Warehouse Area	-	161,888 ft²	(15,040 m²)
Office Area (incl. GF core)	-	8,520 ft²	(792 m²)
Gatehouse	-	300 ft²	(28 m²)
Unit 500 GIA	-	170,708 ft²	(15,859 m²)

P01	Initial Issue	TJ	MD	07.11.23
rev	amendments	by	ckd	date

Gibbet Lane, Shawell

Site Layout

LOD 1	LOI 1
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RIBA PoW Stage:	0 - Strategic Definition
Document Suitability:	S1
Drawn / Checked:	TJ / MD
Date:	07/11/2023
Scale:	1:2000 A1
UMC Project Number:	23504
Document Reference:	Drawing no: Revision:
23504 - UMC - ZZZZ - SI - DR - A	0601 P01

10m SCALE 1:2000



APPENDIX 3: COPY OF CALL FOR SITES PROFORMA