



TOWN AND COUNTRY PLANNING ACT 1990

**RUGBY BOROUGH LOCAL PLAN REVIEW
ISSUES AND OPTIONS CONSULTATION (REGULATION 18)
OCTOBER 2023**

**REPRESENTATIONS ON BEHALF OF
L&Q ESTATES**

LAND NORTH OF WARWICK ROAD, WOLSTON

**JANUARY 2024
OUR REF: WW/11013**

1.0 LAND TO THE NORTH OF WARWICK ROAD, WOLSTON

- 1.1 This submission is made on behalf of L&Q Estates, in relation to their interests at land north of Warwick Road, Wolston (hereafter referred to as ‘the Site’). L&Q Estates welcome the opportunity to be involved in the preparation of the Rugby Borough Local Plan, and it is within this context that they wish to make representations to the Issues and Options Consultation.
- 1.2 The Site is shown outlined in red on Drawing SK001 (**Appendix 1**) and is located on the western edge of the village of Wolston, to the north of Warwick Road. It extends to 3.87 ha (9.56 acres) and can deliver a high-quality residential development. The land is available and the development is deliverable and unconstrained technically.
- 1.3 Wolston is a large village located approximately midway between Rugby and Coventry. Warwick Road, which runs through the centre of the village, connects to the B4455 Fosse Way to the north and the A45 to the south. Wolston contains numerous services and facilities including a leisure and community centre, a library, GP, pubs, a convenience store and primary school.
- 1.4 The promotion site immediately adjoins the built-up area boundary of Wolston and adjoins existing residential development to the east. The site is contained by Warwick Road to the south, Wolston Fields Farm Road to the west and playing fields associated with Wolston Leisure and Community Centre to the north. Therefore, the development of this site would form an enduring definition to the built-up area boundary.
- 1.5 The site comprises land in agricultural use. The site’s agricultural land classification comprises predominantly Grade 3 agricultural land, although some Grade 2 land is present to the north west of the site where there is a water body. The loss of this amount of agricultural land should not be regarded as being ‘large’. Indeed, the statutory consultation requirement with DEFRA on development proposals is some 20 hectares.
- 1.6 The site is in a sustainable location for residential development. There are a range of local services and facilities located within reasonable proximity of the site, including:
- Wolston Leisure & Community Centre (550m)
 - Wolston Library & Information Centre (700m)
 - Convenience Store (850m)
 - Wolston Surgery (950m)
 - Wolston St Margaret’s C of E Primary School (1.1km)
- 1.7 In addition, there is a bus stop located on Manor Estate approximately 350m to the east of the site. From this stop, services connect the site to Coventry and Rugby (Bus 86).
- 1.8 The site (Ref. S16067) was assessed in the Rugby Borough Local Plan 2011-2031 Housing Background Paper (September 2017) as a potential residential site with a capacity for accommodating 80 dwellings. The site was considered to be suitable for allocation but only deliverable in 10-15 years by reason of the potential for adverse environmental impact arising from an adjacent minerals extraction development

on open agricultural land adjacent to the north and west of the site. The Housing Background Paper concluded that as the site is not capable of being deliverable within the first five years of the Plan's adoption and the Council would be capable of demonstrating a land supply throughout the plan period there would not be exceptional circumstances to release the site from the Green Belt.

- 1.9 The field to the north of the site is one of the latter phases of the extraction development. The extraction programme has consent to continue until October 2024 in accordance with Warwickshire County Council permission reference RBC/19/CM005 (included at **Appendix 2**). A further application (Ref. RBC/23CM004) has been submitted (but is awaiting determination) to extend the operations until October 2027. However, this includes a commitment to provide a 200m separation distance from existing dwellings located on Millenium Way (adjoining the promotion site to the east). This would ensure that mineral extraction operations will be a minimum of c. 100m away from the promotion site, as shown on the accompanying Constraints and Opportunities Plan (included at **Appendix 3**).
- 1.10 Therefore, the concern raised that led to the Council's high-level assessment conclusion that the delivery of the site is affected by adjacent minerals extraction is demonstrably overcome. It is submitted that the adjacent minerals extraction operation does not affect the deliverability of the proposed development and the site is suitable and available to come forward within 5 years.
- 1.11 It is submitted that there are no other technical constraints that would prevent a site allocation being deliverable, as set out below.

Highways and Access

- 1.12 It is considered that the proposals would not lead to a level of increase in traffic on local roads that would be harmful to the local area. The site can be suitably accessed from Warwick Road via the provision of a new priority T-junction and could be accompanied by an extension of the 30mph speed limit past the site and creation of a village gateway feature.

Flood Risk

- 1.13 The site is shown as being in Flood Zone 1 and thus is situated in an area with very low risk of flooding.
- 1.14 Warwickshire County Council, Stratford-on-Avon District Council, Rugby Borough Council and North Warwickshire Borough Council commissioned consultants to undertake a Level 1 Strategic Flood Risk Assessment (SFRA) update in July 2013. An updated report and output maps were completed in October 2013. This appears to show some risk of groundwater flooding at the promotion site. However, a historic borehole log (included at **Appendix 4**) undertaken in the north western corner of the site (as shown on the accompanying Constraints and Opportunities Plan) did not record groundwater at a depth of 4.5m suggesting that the risk of groundwater flooding at the site is low.
- 1.15 The development proposals will be informed by a detailed Flood Risk Assessment of the site, which will be informed by a site investigation.

Landscape and Visual Effects

- 1.16 The Council's Landscape Character Assessment 2016 considered the site within its assessment of parcel WO_03. It states that the parcel is a medium scale landscape comprising mixed farmland, woodland and playing fields around a community centre on the western edge of the settlement. It is on gently undulating ground with open views into the parcel from Wolston Lane.
- 1.17 The assessment concludes that the parcel has high sensitivity to the north of the parcel but only medium sensitivity to development in the southwest of the parcel, due to a lack of roadside hedgerow and an abrupt development edge to the existing western edge of the settlement. Therefore, the site would be suitable for development providing roadside trees and hedgerows are reinstated and a landscape buffer is provided between the site and northern part of the parcel.

2.0 CONSULTATION DRAFT CHAPTER 9: LAND FOR HOUSEBUILDING

QUESTION 31. How many homes should we be planning for?

- a) Minimum local housing need
- b) The HEDNA 2022 need
- c) Other (please specify)

- 2.1 The policy and guidance which should be considered by local authorities when assessing the housing need is set out in the National Planning Policy Framework (December 2023) and its accompanying Planning Practice Guidance (PPG).
- 2.2 The Government published the revised National Planning Policy Framework on 19 December 2023 following the *'Levelling-up and Regeneration Bill (LURB): reforms to national planning policy'* consultation published on 22 December 2022. In the context of determining how many homes Rugby should be planning for, it is crucial to highlight that the LURB confirmed that *'the government remains committed to delivering 300,000 homes a year by the mid-2020s and many of the immediate changes focus on how we plan to deliver the homes our communities need.'*
- 2.3 The revised NPPF does not weaken the Government's overarching target of delivering 300,000 homes a year. Therefore, the assessment of Rugby's housing need is to be undertaken in this context.
- 2.4 Section 5 of the previous NPPF sought to ensure delivering of a sufficient supply of homes where they are needed, and that the needs of groups with specific housing requirements are addressed and the land with permission is developed without unnecessary delay (Paragraph 60). The December 2023 revision of the NPPF added the following sentence to Paragraph 60, confirming that local authorities should meet as much of their housing need as possible:

'The overall aim should be to meet as much housing need as possible with an appropriate mix of housing types to meet the needs of communities.'

- 2.5 PPG is clear in its approach that the *'standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area'* (Paragraph 010 Reference ID: 2a-010-20201216). The Rugby Local Plan should therefore reflect that the proposed housing need figure is only the starting point and additional housing may be required to facilitate economic growth or the delivery of affordable housing. Indeed, Paragraph 61 of the NPPF has been amended as follows:

'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area. There may be exceptional circumstances, including relating to the particular demographic characteristics of an area which justify an alternative approach to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met

within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.'

- 2.6 This revised text referring to the standard method as an *'advisory starting-point'* indicates that local authorities will now have greater flexibility to determine whether housing need is either higher or lower than the Standard Method calculation for their area, owing to characteristics specific to their area. Paragraph 67 highlights reasons as to why a housing requirement may exceed the Standard Method:

'Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment.'

- 2.7 It is therefore imperative that consideration to any circumstances which may lead to an assessment of housing need which exceeds Standard Method are fully explored, and the true *'unconstrained'* housing need for the area is established.
- 2.8 The consultation document sets out that, as of summer 2023, the housing requirement for Rugby Borough calculated using the standard method is 506 homes per year.
- 2.9 The Coventry and Warwickshire Housing and Economic Development Needs Assessment (HEDNA) (2022), which was commissioned by the six Coventry and Warwickshire local authorities, provides an alternative figure. The HEDNA uses the most up to date data available to produce a projection for future population growth and growth in the number of households. The affordability uplift used in the government's standard method is then applied to give a housing need figure.
- 2.10 The HEDNA's 2021-2041 annual housing need figure for Rugby Borough was 735 homes per year using 2021 affordability data. This number could be recalculated using the latest 2022 affordability data and a 2023 base date, which would reduce the figure to 672 homes per year.
- 2.11 The Council is questioning whether the standard method figure of 506 homes per year or the HEDNA figure of 672 homes per year (recalculated using the latest 2022 affordability data and a 2023 base date) is appropriate.
- 2.12 In our submission, the housing need set out within the revised standard method of the HEDNA is considered to be a minimum when taking into account the following circumstances:
- a) Recent trends in international net migration to the UK
 - b) Future job growth forecasts used in preparing the HEDNA may be conservative
 - c) Additional factors such as affordable housing need
 - d) Accommodating any unmet housing need from Coventry

Recent trends in international net migration to the UK

- 2.13 The consultation document (at paragraph 9.11) considers that the overestimation of Coventry's population within the HEDNA (which is a longstanding issue acknowledged by the Office for National Statistics) leads to an overestimation of the population and need for housing in the Coventry and Warwickshire Housing Market Area within the government's standard method. However, in our submission, it is not considered that the alternative demographic projection of the HEDNA represents an overestimation of the population (and need) for housing in the Housing Market Area, particularly when taking into account trends in international net migration to the UK and additional factors such as economic growth and affordable housing need.
- 2.14 The HEDNA does not appear to comment on international migration trends and how this may have affected population growth. The 2014-based ONS Sub National Population Projections, which underpin the Standard Method, and which the HEDNA's alternative demographic projections seeks to replace, were based on international net migration to the UK of +185,000 people per annum.
- 2.15 However, the December 2022 'long-term international immigration, emigration and net migration flows, provisional' show significantly higher levels of net international in-migration to the UK since the year ending September 2021. The average net international migration over the period since December 2018 has been approximately 300,000 per annum, even taking into account the period when Covid-19 restrictions on international travel were in place.
- 2.16 This is significantly higher than the 2014-based ONS SNPP assumption of +185,000 people per annum. Therefore, it is considered that recent trends in international net migration to the UK could mean that the alternative demographic projection of the HEDNA represents a conservative scenario.

Future job growth forecasts used in preparing the HEDNA may be conservative

- 2.17 When establishing a housing requirement figure for an area, local authorities should reflect growth ambitions linked to economic development in order to align the growth in housing with job creation.
- 2.18 The 2022 HEDNA concludes that 735 dwellings per annum will accommodate forecast job growth based on a range of demographic modelling assumptions. It uses the Cambridge Econometrics (CE) March 2021 baseline economic growth forecast. This forecast was prepared during the COVID-19 lockdown when economic growth was far from certain and was informed by uncertain conditions.
- 2.19 In simple terms, the CE forecasts were based on a 3.6% increase in GDP in 2021 and a 2.8% increase in GDP in 2022. Reference to the ONS' December 2022 GDP monthly estimate report states how GDP is estimated to have grown by 4% in 2022, following growth of 7.6% in 2021.
- 2.20 Furthermore, the HEDNA identifies that 551 hectares of logistics floorspace is needed across the housing market area to 2041. However, the location for this land has not been confirmed and so the job growth associated within it has not been considered.

2.21 It is hence considered that the future growth forecasts used in preparing the HEDNA are pessimistic. The housing requirement figure is likely to need to increase in line with job growth which has performed better than anticipated within the 2022 HEDNA.

Additional factors such as affordable housing need

2.22 The 2022 HEDNA describes affordable housing need across the HMA as ‘*clearly acute*’ and identifies a ‘*notable need*’ for affordable housing. It also states how it is clear that provision of new affordable housing is an ‘*important and pressing issue in the area.*’

2.23 Addressing affordable housing need in a meaningful way will require an uplift to the HEDNA’s revised standard method calculation to take account of affordability.

Unmet housing need from Coventry

2.24 The current Rugby Borough Local Plan 2011-2031 plans for 12,400 additional homes over the twenty-year plan period. Of these, 2,800 are homes that Coventry City Council was unable to accommodate within its administrative area.

2.25 The ability for any city to adequately plan for additional housing depends on whether it can meet its own needs in the first place. One key issue preventing some authorities (including Coventry) from meeting their own needs is Green Belt.

2.26 Coventry City Council is currently in the process of reviewing their Local Plan and establishing a housing requirement figure for their area. Flatted developments and an increased likelihood of viability issues on brownfield sites in Coventry could mean that meeting the total annual affordable housing need in Coventry would be much more challenging than predicted within the Coventry and Warwickshire HEDNA.

2.27 Coventry’s Local Plan Review is at a very early stage of preparation and the Council is yet to select a strategic option for growth. Once the Council has determined what figure sets an appropriate strategic need, a full assessment can then be undertaken in terms of the growth that can realistically be delivered within Coventry’s administrative area.

2.28 Housing needs that cannot be met within neighbouring areas must be met as close as possible to those areas, or within areas where sustainable transport connections can easily be made to those areas. Through the Duty to Co-operate, Rugby has a responsibility to help address any unmet needs from Coventry.

2.29 The housing requirement figure for Rugby Borough may well be higher than the identified housing need if it is to include provision for neighbouring areas, particularly Coventry.

Response to Question 31

2.30 It is hence concluded that the housing need that Rugby should be planning for is:

C) Other (please specify)

- 2.31 As PPG is clear in its approach that the standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area. In addition, the HEDNA 2022 housing need should be regarded as a minimum in light of the fact that the alternative demographic projection of the HEDNA and the future growth forecasts are considered to be conservative.
- 2.32 In addition, it is considered likely that Rugby will again need to accommodate unmet housing needs in Coventry.

QUESTION 33. Please provide any comments you have on the suitability of any of the broad locations listed above for new housing. Are there any locations that we have missed?

- 2.33 The consultation document includes a map showing broad locations in which housing could be built, based on sites that were put forward during the preparation of the Rugby Borough Council Local Plan 2011-2031 (adopted June 2019) and a high-level consideration of constraints and designations.
- 2.34 The strategy for distributing housing development across the Borough, contained in Chapter 3 of the adopted Local Plan, is based on the need to maximise housing delivery at Rugby town as the most sustainable location in the Borough and sustainably extend some Main Rural Settlements (as it was concluded that there was insufficient capacity at Rugby town or its urban edge to deliver the entire housing target within the plan period). In achieving this, smaller rural villages are protected from excessive development that would be harmful to their respective character and function.
- 2.35 The settlement hierarchy contained within Policy GP2 allows for development within the settlement boundaries of Main Rural Settlements and on allocated sites. The allocations made in Policy DS3 result in alterations to the settlement boundaries of 6 of the 9 Main Rural Settlements in the Borough in order to allow these settlements to play a supplementary role to Rugby town in helping to deliver the strategic growth targets for the Borough.
- 2.36 As each of these Main Rural Settlements are located in the Green Belt, careful consideration was given to the land to be released to limit the impact on the Green Belt. This was informed by the sustainability appraisal process in combination with site assessments within the Strategic Housing Land Availability Assessment (SHLAA).
- 2.37 It is considered that a similar sequential approach to the selection of locations for sustainable development should be adopted in the emerging Local Plan, in order to protect the countryside and smaller rural villages from development that would be harmful to character and function.
- 2.38 As summarised in paragraph 3.11 of the adopted Local Plan, Main Rural Settlements play an important role locally and the settlement hierarchy is intended to support the sustainability and maintenance of existing services, such as schools, by enabling development which will support the local community.
- 2.39 Wolston is one of the Main Rural Settlements in the District and comprises one of the most sustainable settlements in the spatial distribution of growth. The village contains numerous services and facilities including a leisure and community centre, a library, GP, pubs, a convenience store and primary school.
- 2.40 The only housing allocation in Wolston as part of the adopted Local Plan comprises land at Linden Tree Bungalow, south of Warwick Road, for up to 15 houses. No planning application has been submitted for this development.
- 2.41 Wolston is clearly a sustainable location to accommodate housing growth in consideration of:
- i. The pressing need for additional housing within Rugby Borough;

- ii. The limited ability of Rugby Town to accommodate further growth, considering the maximisation of housing delivery on the urban edge of Rugby as part of the adopted Local Plan;
- iii. The extension of settlement boundaries at to the other (6 out of 9) Main Rural Settlements as part of the development strategy of the adopted Local Plan; and
- iv. The fact that Wolston comprises a Main Rural Settlement and thus comprises one of the most sustainable settlements in the borough but has not been significantly extended as part of the adopted Local Plan. Indeed, the only allocation in the village for 15 houses has yet to be developed.

2.42 As set out in Section 1 of this Statement, the promotion site (land north of Warwick Road) immediately adjoins the built-up area boundary of Wolston and adjoins existing residential development to the east. The site is contained by Warwick Road to the south, Wolston Fields Farm Road to the west and playing fields associated with Wolston Leisure and Community Centre to the north. Therefore, the development of this site would form an enduring definition to the built-up area boundary of Wolston.

2.43 The promotion site can deliver a high-quality residential development. The land is available and the development is deliverable and unconstrained technically.


3.0 CONCLUSIONS

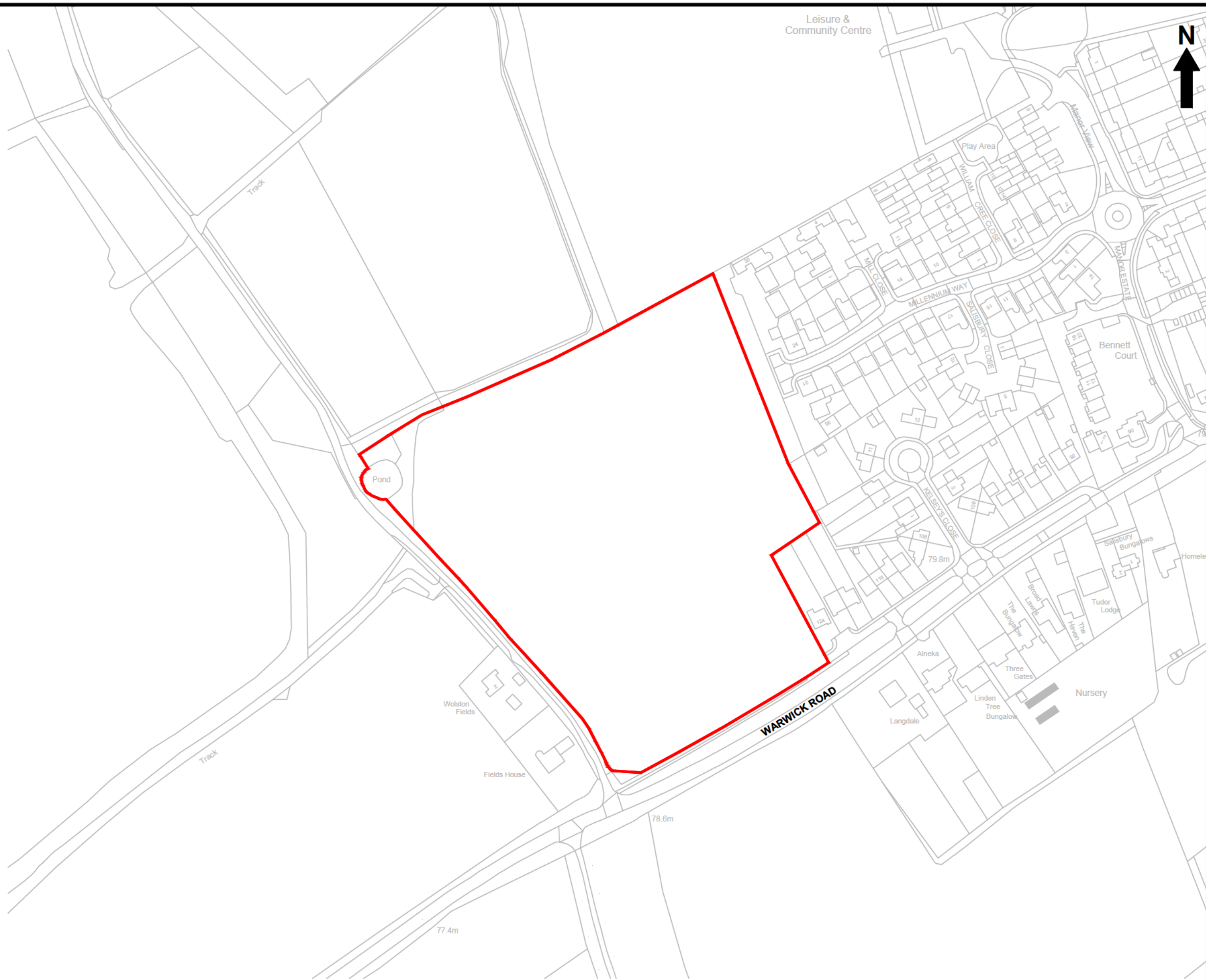
- 3.1 The promotion site would be well connected to the built-up area of Wolston, a village with many local services, and would constitute sustainable development.
- 3.2 The pursuit of sustainable development has three dimensions. This proposed development will contribute to the:
1. Economic dimension:
 - Boost the local economy in terms of employment during construction.
 - Benefits to existing services in the local area.
 2. Social dimension:
 - Providing housing to meet identified needs.
 - Providing high quality mix of residential accommodation.
 - Sustainable location for housing.
 - Provide a safe pedestrian and cycle environment within the development.
 - Providing appropriate open spaces within the development.
 3. Environmental dimension:
 - Enhancement of the landscape with increased landscaping and public open space provision.
 - Enhancement and preservation of existing biodiversity habitats located within and adjacent to the site.
- 3.3 There are no technical or other constraints that will prevent a site allocation being deliverable should the Council conclude that exceptional circumstances exist to justify changes to Green Belt boundaries to deliver residential development that will significantly assist in meeting Rugby's identified housing need as well as any unmet need arising from Coventry.
- 3.4 It is submitted that the planning advantage in the overall public interest lies firmly in favour of allocating the site for residential development as part of a mix of planning allocations to deliver housing needed in the Borough.

Appendix 1 – Site Location Plan

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KEY

 Site Boundary (3.87ha / 9.56ac)



REV	DATE	DESCRIPTION
PROJECT ->		
WOLSTON		
TITLE ->		
SITE BOUNDARY		
SCALE ->	1:2,000 @ A3	DATE -> 16-01-2024
DRAWN ->	TB	
STATUS ->	ISSUE	DRAWING No -> SK-001
REVISION ->	-	

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Appendix 2 – WCC Permission Ref. RBC/19/CM005

**PERMISSION WITH
CONDITIONS**

REF: RBC/19CM005



SECTION 73 TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

NOTICE OF DECISION OF COUNTY PLANNING AUTHORITY

To:

The **WARWICKSHIRE COUNTY COUNCIL**, having considered the application for variation of conditions 2, 6 and 7 of planning permission RBC/12CM018 dated 6 February 2014 to extend the time limit to complete sand and gravel extraction, importation of inert materials, and restoration by 2 years; to increase the total quantity of mineral extracted from the site from 900,000 tonnes nett to 1,200,000 tonnes nett; and to increase the total quantity of inert infill materials from 650,000 tonnes to 850,000 tonnes at [redacted] [Grid ref: 440163.1.275504.3] made by you on [redacted] and deposited with the County Council on 7 January 2019

HEREBY GIVE YOU NOTICE that planning permission is granted to carry out the development permitted by planning permission RBC/12CM018 dated 6 February 2014 without complying with conditions 2, 6 and 7 of that permission subject to the following conditions:

PLANNING CONDITIONS

1. The development to which this permission relates shall cease and the site shall be fully restored on or before the 21st of October 2024.

Reason: To ensure the proper and expeditious restoration of the site.

GENERAL OPERATIONS

2. The development hereby permitted shall be carried out in accordance with submitted application ref. RBC/19CM005, drawings ref: PLAN 2 and PLAN 3- Rev C and with the details submitted to support application ref: RBC12CM0018, drawing numbers 3a Rev C, 3b Rev A, Plan 3 rev C, W179/5, Plan 4 Rev A and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to define the exact details of the planning permission granted and to secure a satisfactory standard of development in the locality.

3. The site admin area including the associated porta cabin and its siting shall not be altered so as to depart materially from the 'Submission of Schemes' document dated March 2014 and plans reference: LD014/WFQ/001 and LD014-WFQ-004.

Reason: In order to define the exact details of the planning permission granted and to secure a satisfactory standard of development in the locality.

4. Development of the site shall be carried out in accordance with the approved phasing plan ref: LD61/WFQ/001 unless otherwise agreed in writing with the Mineral Planning Authority. The phasing plan (and any modification) so approved is referred to in these conditions as "the Phasing Plan" and the development hereby permitted shall be carried out in accordance with the Phasing Plan

Reason: In order to define the exact details of the planning permission granted and to secure a satisfactory standard of development in the locality

5. No more than 850,000 tonnes of infill material shall be imported to the site.

Reason: For the avoidance of doubt, and in the interests of local amenity.

6. No more than 1,200,000 tonnes nett of minerals shall be extracted from the site.

Reason: To ensure vehicle numbers are consistent with those specified within the Transport Assessment.

7. No minerals shall be imported to the site for processing.

Reason: To protect the amenity of the adjoining area.

8. A log of all vehicles entering and leaving the site shall be maintained for the duration of the development. This shall be made available for inspection when required.

Reason: In the interests of monitoring levels of importation of material to the site, and progression of the development.

HOURS OF OPERATION

9. None of the operations or uses authorised by this permission (including the maintenance of vehicles and plant) shall be carried out other than during the following times:

0700 – 1800 hours Mondays to Fridays

0800 – 1200 hours Saturday (Essential maintenance only)

No operations or uses shall be carried out on Sundays or Public Holidays.

Reason: In order to protect the amenity of residents

ARCHAEOLOGY

10. The development shall be carried out in accordance with the programme of archaeological works dated November 2017 and approved under condition 12 of permission reference RBC/12CM018.

Reason: In order to ensure the adequate investigation and recording of known and potential archaeological remains located on the site.

ACCESS AND PROTECTION OF THE PUBLIC HIGHWAY

11. No structure, tree or shrub shall be erected, planted or retained within the site access visibility splays exceeding a height of 0.9 metres above the level of the public highway carriageway.

Reason: In the interests of highway safety.

12. The previously approved site access arrangements defined on plan ref: A083719-35-12-001 Rev A and agreed under conditions 13 and 14 of permission reference: RBC/12CM018 shall remain available throughout the development unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: In the interests of highway safety.

13. Gates or barriers erected at the entrance to the site for vehicles shall not be hung so as to open to within 15 metres of the near edge of the public highway carriageway.

Reason: In the interests of highway safety.

14. Any mud or other deleterious material deposited on the highway by vehicles associated with the proposed development within 200 metres of an access of the application site shall be removed from the highway forthwith.

Reason: In the interests of highway safety.

15. No loaded lorries shall leave the site unless they are sheeted or the load is otherwise adequately secured.

Reason: In order to protect the amenities of nearby residents and highway safety.

16. The details provided in regards to condition 19 of permission reference: RBC/12CM018 relating to the wheel cleaning facilities to be provided on site as specified in the 'Submission of Schemes' document dated March 2014 and the wheel wash facility currently installed on the site shall be implemented and maintained on site for the life of the development. All works and practices shall be implemented in accordance with the agreed details and shall be maintained throughout the development.

Reason: To prevent extraneous material being deposited on the highway.

17. On site car parking arrangements shall accord with the details specified on plan reference: LD014/WFQ/001 approved under condition 20 of permission reference: RBC/12CM018. The approved arrangements shall be implemented in full and remain available throughout the development unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: To ensure adequate parking provision is made available on site in the interests of highway safety.

ENVIRONMENT

18. The development hereby permitted shall be carried out in accordance with the water management scheme included as Appendix G of the 'Submission of Schemes' document dated

March 2014 submitted in respect of condition 21 of permission reference: RBC/12CM018. That scheme (and any modifications approved in writing by the Mineral Planning Authority) shall be fully implemented.

Reason: To ensure that the River Avon and linked groundwater dependent receptors are protected and that water and site phasing are managed appropriately.

19. The development shall be carried out in accordance with the measures required to be taken by the approved Flood Risk Assessment headed Hydrological & Hydrogeological Impact Assessment, Ref: P:\Smiths Wolston Fields (1266)\2011 Report\Final Report\Wolston Fields HRA v6(final), dated February 2012 submitted to accompany application reference RBC/2CM018 ("FRA") at the times or in the sequences described in the FRA.

Reason: To prevent the increased risk of flooding.

BIODIVERSITY

20. The development hereby permitted shall be carried out in accordance with the Construction and Environmental Management Plan prepared by WYG dated 12th July 2016 and the additional information contained within the letter from WYG dated 14th December 2017 submitted in respect of condition 23 of permission reference RBC/12CM018.

Reason: To ensure that protected species are not harmed by the development.

21. The development hereby permitted shall be carried out in accordance with the post extraction restoration and landscape enhancement plan/tree and hedgerow protection scheme (ref: LD61-WFQ-002) dated October 2016 submitted in respect of condition 24 of permission ref: RBC/12CM018. The plan (and any modifications) so approved shall be fully implemented in accordance with the timings and sequencing in it.

Reason: In accordance with NPPF and PPS9 circular 2005/06.

22. The development hereby permitted shall be carried out in accordance with the Hedgerow Protection Plan dated October 2016, the tree, ditch and hedgerow management proposals set out within plan ref: LD61/WFQ/001 and the hedgerow standoff fencing detailed within the Construction and Environmental Management Plan submitted in respect of condition 25 of permission ref: RBC/12CM018. Those measures shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: To protect trees and other features on site during construction.

23. The development hereby permitted shall be carried out in accordance with the reviewed and updated Wolston Fields 25-year Aftercare Plan, as approved under condition 26 of permission ref: RBC/12CM018. The plan (and any modifications approved in writing by the Mineral Planning Authority) shall be fully implemented in accordance with the timings and sequencing in it.

Reason: In accordance with NPPF and PPS9 circular 2005/06.

24. No external lighting shall be installed unless details have first been submitted to and approved in writing by the Mineral Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

Reason: To ensure that protected species are not harmed by the development and in accordance with NPPF and PPS9 circular 2005/06

25. The Bird Hazard Management Plan produced by PDE Consulting Limited and dated 2 July 2012 (including any amendments approved in accordance with this condition) shall be implemented in full and shall remain in operation until all associated operations cease unless otherwise agreed in writing with the Mineral Planning Authority. Within each 6-month period starting with the date on which the development commenced until the site has been fully restored, the applicant shall produce a Bird Hazard Management Plan review document which shall be submitted to and approved in writing by the Mineral Planning Authority. The review shall assess the effectiveness of the Bird Hazard Management Plan in place detailing any areas of concern and making recommendations to accordingly amend the existing Management Plan. Where recommendations are considered appropriate by the Mineral Planning Authority the Bird Hazard Management Plan shall be amended accordingly.

Reason: In the interests of Aerodrome Safeguarding and to monitor and mitigate the impact of the Bird Management Plan and the nearby SSSI.

ENVIRONMENTAL HEALTH

26. Any oil, fuel, lubricant, paint or solvent within the site shall be so stored as to prevent such material from contaminating topsoil, subsoil or soil forming material or from reaching any watercourse.

Reason: In order to protect against ground contamination.

27. Plant and machinery shall not be used at the site unless it is silenced at all times in accordance with the manufacturer's specification and is fitted with effective silencers.

Reason: In order to safeguard the amenities of residents.

28. Reversing alarms shall not be used unless they are of a bell tone type or are of the directional type or are capable of adjusting their noise level automatically to 5dB(A) above the ambient noise level or are of a type otherwise approved in writing by the Mineral Planning Authority.

Reason: In order to safeguard the amenities of residents.

29. With the exception of noise from soil and overburden removal or replacement and the construction or removal of soil mounds, noise from the development shall not exceed a noise level of 55 dB(A)Laeq (1 hour) at Ryton Organic Gardens or any residential property within 150 metres from the boundary of the application site.

Reason: In order to protect the amenities of nearby residents.

30. Noise levels from soil and overburden removal or replacement or from the construction or removal of soil mounds shall not exceed 70 dB(A)Laeq (1 hour) at Ryton Organic Gardens or any residential property within 150 metres from the boundary of the application site on any weekend day or on more than 8 weekdays in any 12-month period.

Reason: In order to protect the amenities of nearby residents.

31. The soil storage bunds shall be located and constructed in accordance with plan ref: LD61/WFQ/001 submitted in relation to condition 34 of permission reference: RBC/12CM018. The development shall be carried out in accordance with that plan, unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: In the interests of residential and visual amenity.

32. The Ryton Organic Gardens Noise and Dust monitoring scheme included in the 'Submission of Schemes' document dated March 2014 submitted in respect of condition 35 of permission reference: RBC/12CM018 shall be implemented for the life of the development. In any phase where monitoring indicates that dust is migrating into Ryton Organic Gardens and that those mitigation measures are not effective then the relevant phase shall cease until a scheme of further mitigation measures has been submitted to and approved in writing by the Mineral Planning Authority. The approved further measures shall be implemented in full during the relevant phase.

Reason: To protect adjacent uses.

33. No development shall take place unless all necessary measures to prevent or minimise the raising of dust have been adopted. These measures shall include:

- (i) the use of water bowsers on haul roads and other operational areas of the site;
- (ii) the use of water sprays or other methods of controlling dust from mineral extraction;
- iii) methods for controlling dust during soil and overburden movement, including the suspension of operations during weather conditions likely to give rise to uncontrollable dust generation which would be likely to be carried beyond the boundary of the site.

These measures shall remain in place throughout the development.

Reason: In order to protect against Air Pollution.

SOILS

34. All top soil and subsoil shall be retained on the site.

Reason: To protect soil structure for the long term restoration of the site.

35. No movement of soils shall take place except when the full depth of soil to be stripped or otherwise transported is in a suitable dry and friable condition. Conditions shall be sufficiently dry for the top soil to be separated from the subsoil without difficulty. Soils shall be drier than field capacity in the case of coarse textured soils and drier than the lower plastic limit for fine textured soils.

Reason: To protect soil structure for the long term restoration of the site.

36. Prior to any part of the site being excavated or traversed by heavy machinery (except for the purpose of stripping top soil from that part or storing topsoil on that part) or used for the stacking of subsoil, all available top soil shall be stripped from that part.

Reason: To protect soil structure for the long term restoration of the site.

37. All soil types shall be stripped and stored separately and within these soil types the topsoils and subsoils shall be stripped and stored separately. Any overlap of soil types in the mound shall be the minimum necessary to form that mound and the interface shall be clearly recorded on a plan.

Reason: To protect soil structure for the long term restoration of the site.

38. Topsoil and subsoil storage mounds shall be constructed with the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery whilst in storage.

Reason: To protect soil structure for the long term restoration of the site.

39. All reasonable steps shall be taken to ensure that drainage from areas adjoining the site is not impaired or rendered less effective by permitted operations.

Reason: To protect soil structure for the long term restoration of the site.

40. All storage bunds intended to remain in situ for more than 12 months are to be grassed over and kept free of weeds.

Reason: To protect soil structure for the long term restoration of the site.

RESTORATION

41. All operations involving soil replacement and treatments shall be carried out when the full volume of soil involved is in a suitable dry and friable condition to minimise soil damage.

Reason: To protect soil structure for the long term restoration of the site.

42. All reasonable precautions shall be taken so as to prevent the mixture of top soil and subsoil with other material.

Reason: To protect soil structure for the long term restoration of the site.

43. Hedges and trees forming part of the restoration and landscaping scheme shall be planted within the first available season over restored areas. Should any hedge or tree planted as part of the scheme die, be removed or become damaged or seriously diseased within five years of the initial planting they shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure satisfactory restoration of the site.

44. Prior to the diversion of any public rights of way details and specifications for crossing points where HGV and quarry traffic cross them and for their final restoration shall be submitted to and approved in writing by the Mineral Planning Authority. The details and specifications (or any modification) so approved shall be implemented upon diversion or restoration.

Reason: To ensure the adequate restoration of the Rights of Way network.

AFTERCARE

45. At least three months before the completion of the restoration works hereby permitted, a detailed aftercare scheme shall be submitted to the Mineral Planning Authority for approval. The scheme shall specify the steps to be taken and when in the aftercare period they are to be taken. Following approval in writing by the Mineral Planning Authority the scheme shall be implemented accordingly.

Reason: To ensure satisfactory restoration and aftercare of the site.

46. The aftercare period shall extend for a period of 5 years from the date of final topsoil replacement for the area concerned.

Reason: To ensure satisfactory restoration and aftercare of the site.

REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

47. Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking or re-enacting that Order), no plant, machinery, buildings or structures other than those authorised by this permission shall be placed or erected on the site.

Reason: To protect the amenity of the locality.

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION

Warwickshire Mineral Plan 1995

Policy M1

Policy M4

Policy M6

Policy M7

Policy M9

Rugby Borough Council Local Plan (2011) Saved Policies

Policy GP2

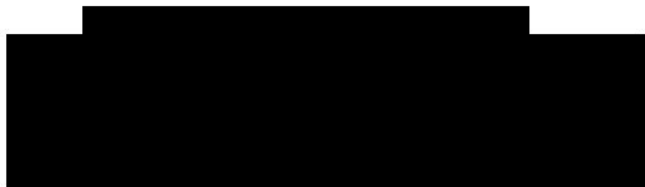
Policy E6

STATEMENT REQUIRED BY ARTICLE 35(2) OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

In considering this application, the County Council has complied with paragraph 38 contained in the National Planning Policy Framework.

DATED 13 January 2020

Shire Hall
Warwick
CV34 4RL



**IT IS IMPORTANT THAT YOU READ THE
NOTES AT THE END OF THIS NOTICE**

NOTES:

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990.
2. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:

28 days of the date of service of the enforcement notice, or
6 months of the date of this notice,

whichever period expires earlier.
3. If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
4. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate
5. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of an appeal.
6. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
7. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.
















Purchase Notices

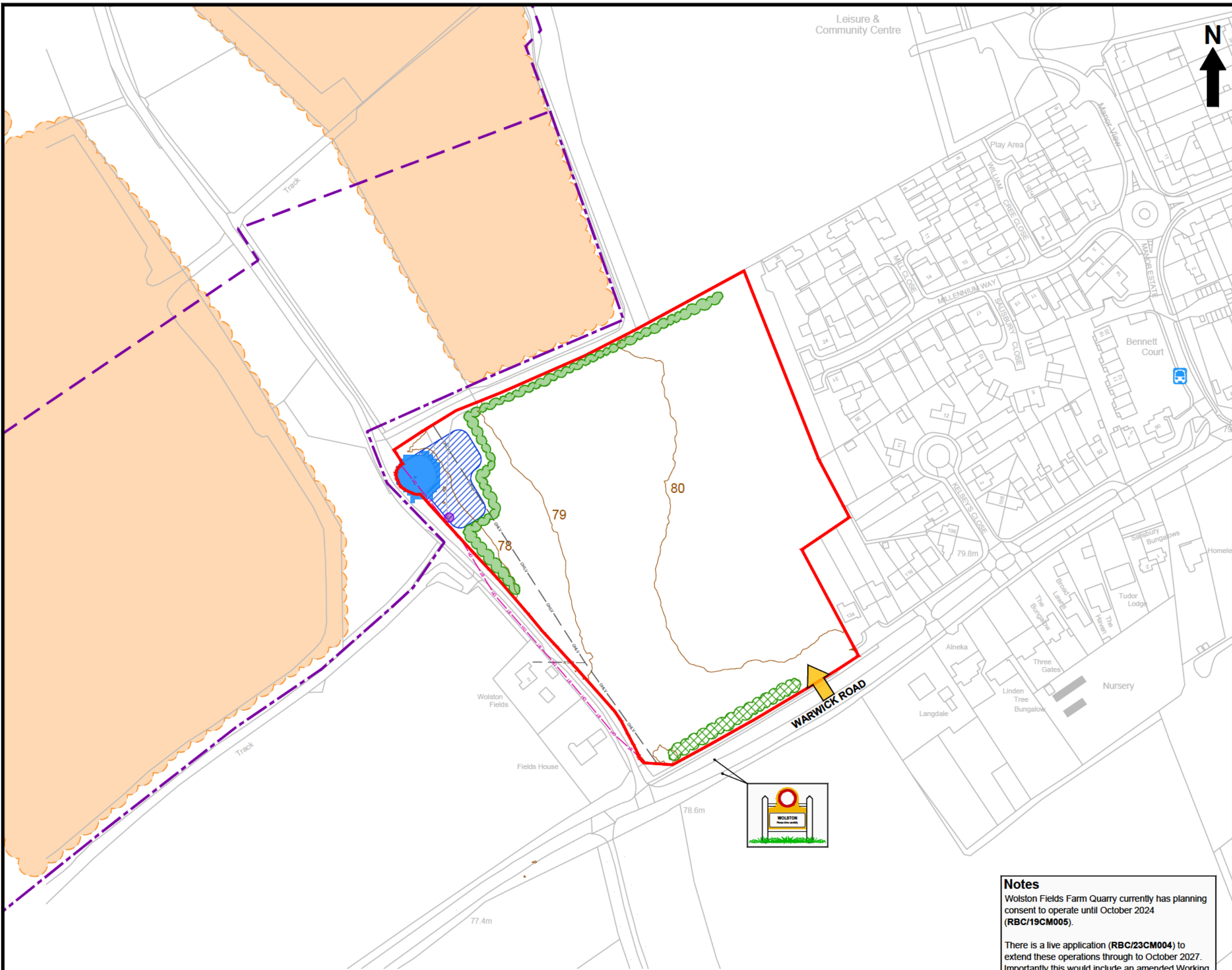
8. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
9. In these circumstances the owner may serve a purchase notice on the Council (that is where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part 6 of the Town and Country Planning Act 1990.

Appendix 3 – Constraints and Opportunities Plan

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KEY

-  Site Boundary (3.87ha / 9.56ac)
- Constraints**
-  Contours (1m, LiDAR)
-  Public Right of Way
Footpath
-  Public Right of Way - Temporary
Footpath
-  Low Voltage Overhead Line
-  BT Openreach Overhead Line
-  Surface Water Flood Risk
>0.1% annual chance
-  Location of Historic Borehole
Groundwater not encountered at 4.5m depth
-  Wolston Fields Farm Quarry
Indicative consented extraction areas, see Notes
- Opportunities**
-  Potential All Modes Access
-  Potential Village Gateway
-  Indicative SuDS
Extension of existing pond
-  Existing Bus Stop
Manor Road, no. 86 service to Rugby and Coventry
-  Indicative Landscape Buffer
-  Indicative Tree & Hedge Planting



Notes
 Wolston Fields Farm Quarry currently has planning consent to operate until October 2024 (RBC/19CM005).
 There is a live application (RBC/23CM004) to extend these operations through to October 2027. Importantly this would include an amended Working Plan to include a minimum of 200m separation from existing dwellings on Millennium Way. Based on this amended Working Plan the extraction areas would be at least ~100m from the boundary of the site.

REV	DATE	DESCRIPTION
PROJECT ->		
WOLSTON		
TITLE ->		
CONSTRAINTS & OPPORTUNITIES PLAN		
SCALE ->	1:2,000 @ A3	DATE -> 16-01-2024
DRAWN ->	TB	
STATUS ->	ISSUE	DRAWING No -> SK-001
REVISION ->	-	

L&Q Estates
 Gallagher House, Gallagher Way, Warwick CV34 6AF
 e: mail@lqestates.co.uk
 w: www.lqestates.co.uk
 t: 01926 339339

Appendix 4 - Historic Borehole Log



SP 47 NW 71 4041 7512

South-west of The Plantation

Block C

Surface level +76 m (+250 ft)
Water not encountered
October 1980

Overburden 0.3 m
Mineral 3.4 m
Waste 0.5 m
Bedrock 0.3 m+

LOG

Geological classification	Lithology	Thickness m	Depth m
	Soil	0.3	0.3
River Terrace Deposits	'Clayey' pebbly sand Gravel: fine with coarse; subrounded flint and rounded quartzite with quartz, sandstone, ironstone and some mudstone Sand: fine and medium; quartz	3.4	3.7
?Till	Clay, red with green layers and quartzite pebbles	0.5	4.2
Mercia Mudstone	Mudstone, red with green marbling	0.3+	4.5

GRADING

Mean for deposit percentages			Depth below surface (m)	Percentages					
Fines	Sand	Gravel		Fines		Sand		Gravel	
				- $\frac{w}{4}$	+ $\frac{w}{4}$ - $\frac{1}{2}$	+ $\frac{1}{2}$ - 1	+1 - 4	+4 - 16	+16 mm
17	65	18	0.3-1.6	24	21	26	8	17	4
			1.6-3.0	11	32	42	5	6	4
			3.0-3.7	16	16	32	7	20	9
			Mean	17	24	35	6	13	5