

19th May 2025

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Preferred Option Consultation
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Dear Sir/Madam,

**RE: RUGBY PREFERRED OPTIONS DRAFT LOCAL PLAN REPRESENTATIONS
SITES 58 AND 25 – LAND NORTH AND SOUTH OF A45**

These representations have been prepared by Sworders on behalf of the owner of Sites 58 and 25 in response to the above consultation.

HELAA Site Proformas

Site 25 – Land South of A45, Dunchurch
Site 58 – Land North of A45, Dunchurch

We disagree with the justification for not progressing Sites 25 and 58 past the Stage 2 Site Assessment Stage for the following reasons. Given that both sites are subject to similar considerations, and a similar HELAA outcome, these representations should apply to both sites unless stated otherwise.

Transport

According to the HELAA Stage 2 reports, for Site 25 the local road network has been assigned a congestion rating of 4 and Site 58 a rating of 3, with 1 being the most congested, and 6 being the least congested. Given the proximity of both Sites to one another each side of the A45, we question how the Sites can receive different scores in relation to this and suggest both Sites should receive a score of 4 in this respect.

In comparison, it is noted that Sites 14 and 17, proposed for allocation within Policy S7, receive less favourable scores for congestion, being 3 and 2 respectively. Traffic impact concerns in respect of these sites are also noted, with the potential for large trip generation. In contrast, for Site 58, the assessment states it is unlikely to cause significant impact on the Strategic Road Network, with a corresponding 'low' concern as to the levels of physical highway mitigation required for development on this Site. Site 25 receives a medium level of concern, whereas proposed allocated Sites 14 and 17 are concluded to be of 'high' and 'medium' concern respectively. It is noted in relation to Site 328,



also a proposed allocation, that no commentary is made within the HELAA regarding traffic concerns or impacts until the overall conclusions which state:

“The site has reasonable accessibility although National Highways have flagged concerns in terms of impacts on the SRN.”

As such we question whether the true impacts of allocating Site 328 have been taken into account, and whether all sites have received a consistent assessment.

The Public Transport Accessibility Level (PTAL) score is presented on a scale of 1-6, with 1 being the least accessible, and 6 being the most accessible. Both Sites 25 and 58 score 0 for both the AM and PM periods. Similarly, allocated Site 17 scores 0, with Sites 14 and 328 scoring only marginally higher at 1a, with the potential for an improvement to 1b for Site 14 as a result of proposed and recent public transport improvements. It is noted in the ‘Outcomes of further assessment’ in relation to Site 58 that accessibility will be improved by SW Rugby development. This is not noted in relation to Site 25 which we consider to be an omission, given the proximity of both Sites to one another and to the SW Rugby development. As a result, the accessibility will be improved for both Sites, and this should be reflected in the HELAA.

It is noted that Site 95, proposed for allocation, has resolution to grant planning permission. This is despite the HELAA concluding the significant peak hour trip generation impact on M6 J2 and the M69, with an existing typical delay observed on the latter. The HELAA assessed the site to be of ‘high’ concern as to the levels of physical highway mitigation required.

Despite this, the assessment also notes that there was no objection from Highways in response to the planning application on this site, with improvements to public transport and active travel access proposed through this. This further supports that sites should not be excluded from consideration on the basis of perceived traffic impact, given development proposals would need to mitigate any traffic impacts and likely provide improvements, as with Site 95.

The HELAA provides an assessment of walking and cycling, and locations from the site accessible within a 1 hour bus journey, to generate an overall accessibility score for the sites. Sites 25 and 58 scored 98 and 99 out of 125 sites assessed respectively, however, it is noted that Site 17 proposed for allocation scored only marginally lower, at 96 out of the 125 sites assessed. The ‘Outcome of further assessment’ for Site 17 also notes that:

“The site has relatively poor public transport connections at present however is well connected to the strategic road network and existing employment sites and public transport will be improved through the south west Rugby development.”

Both Sites 25 and 58 are well connected to the strategic road network, within proximity to the SW Rugby development, however the HELAA does not acknowledge this. It is therefore considered that these Sites have been unjustly overlooked.



Ecology

Ecology has been assessed as a 'medium' constraint on Site 25 and a 'low' constraint on Site 58. In relation to Site 25, the HELAA states:

"Site 25 has potential to be taken forward for development subject to demonstrating that there would be no adverse effects upon Draycote Meadows SSSI and Rugby-Leamington Disused Railway LWS, through sensitive site design and the adoption of appropriate mitigation measures."

The Site is physically separated from the SSSI by intervening land parcels and woodland, therefore it is not considered that development of the Site would lead to adverse effects which could not be appropriately mitigated through design.

We would highlight in contrast the assessment for Site 328, proposed for allocation, with ecological constraints being concluded as 'high' and the HELAA stating that:

"There are significant constraints to the development at this site and other alternative sites for development should be considered in the first instance."

Despite the above conclusions, the Site is proposed for allocation, in favour of other sites, such as Sites 25 and 58 which are not subject to the same constraints, particularly those as severe as noted within the HELAA in respect of Site 328.

Landscape

The Stage 2 report scores both Sites 25 and 58 as 'low' for overall landscape sensitivity. We would agree with this assessment and consider this further demonstrates their suitability for allocation within the Plan.

Other constraints/Outcome of further assessment

Both Sites 25 and 58 are located within the Green Belt, and it is noted that Sites 14, 95 and 328 proposed for allocation are also within the Green Belt. We dispute the conclusions in respect of Sites 25 and 58, which state they have a potentially strong contribution to at least one purpose of the Green Belt purposes. We question how this conclusion has been arrived at given the Green Belt Contribution Study is described as 'forthcoming' in the evidence base, and confirmed as delayed in email correspondence with the Development Strategy Team on 26 March 2025, provided at Appendix A.

The northern boundary of Site 25 is formed by the dual carriageway A45, the western boundary by Bernhard's Nursery, the southern boundary by Draycote Lane, and the eastern boundary by a dismantled railway line. Beyond the railway to the east is a golf club and further commercial development.

Site 58 is similarly very well contained, bound to the south by the A45, the A4071 to the west and the existing employment area Dunchurch Trading Estate to the east, a strategically important employment site under Policy ED1 of the adopted Local Plan. To the east lies the area allocated as



the South West Rugby SUE, for 5,000 new homes and associated infrastructure and services. The Tritax Symmetry development is also being constructed to the east of the site. The Site would provide a logical extension to the existing neighbouring allocated employment site.

Given the above, it is not considered that either Site would contribute strongly to any of the Green Belt purposes and therefore this, in addition to the considerable demand for employment use within the Rugby area as discussed below, represent exceptional circumstances exist to justify the removal of both Sites from the Green Belt.

We note the 'outcome of further assessment' conclusions for both Sites 25 and 58 questions how access could be delivered into the Sites. We would refer to the Access Appraisal and the Supporting Statements submitted in relation to both Sites, which as acknowledged on the Council's website were submitted in support of the submitted sites during the Call for Sites which ran from October 2023 to February 2024.

It is clear that those documents have not been considered as part of the Stage 2 HELAA. In respect of Site 25, the 'Land South of the A45 Access Appraisal' dated July 2023 confirms three potential access options into the Site off the A4071. In respect of Site 58, the Planning Consultation Document prepared by Sam Willoughby Architects dated January 2024 shows access into the Site via the A4071.

Taking all of the above into consideration, both Sites 25 and 58 are considered to be suitable, available and achievable for employment/commercial use. When considered against the sites proposed for allocation, it is clear that the Sites are suitable for development, and in many aspects less constrained than the proposed allocations. It is suggested that the Sites should be included as allocations within the Plan for smaller scale employment/commercial uses, which as set out in these representations, it is considered the Plan does not allocate sufficient provision for. For these reasons, the Plan as currently drafted is contrary to NPPF Paragraphs 36(a) and (b), as set out further below.

S3 Strategy for employment land and S7 Employment Allocations

Spatial Strategy

The Sustainability Appraisal (SA) of the Rugby Borough Local Plan Interim SA Report (March 2025) acknowledges the importance of providing sufficient employment land within the emerging Plan, stating at paragraph 2.2.6:

"However, perhaps more significant than providing for housing needs is the matter of providing for needs in respect of employment land, which are very significant, with the residual need figure – after having accounted for the existing pipeline of committed sites – potentially in excess of 200 ha. Additionally, Coventry City Council has identified unmet need for 45ha of employment land. Also, there is an urgency, in that ahead of a new Local Plan that provides for needs there is a risk of not being able to defend against speculative applications and, in turn, poorly located / uncoordinated growth."



In addition, paragraph 85 of the NPPF states:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

Paragraph 86 states that planning policies should:

e) be flexible enough to accommodate needs not anticipated in the plan, and allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances.”

The SA sets out a residual industrial land need figure of 202.5 ha or 739,559m² floorspace to be provided through the emerging Local Plan (paragraph 5.2.23).

Table 3.4 ‘Local Industrial Needs Position (sq.m)– Including 5 year margin’ in the Coventry & Warwickshire HEDNA – WMSESS Alignment Paper (November 2024) identifies a need for 125,000m² of ‘local’ industrial need, being all industrial uses (E(g)(iii), B2 and B8) for units smaller than 9,000m².

The lack of smaller units is also recognised in paragraph 1.8 of the Preferred Options Consultation document, which states:

“Delivery in recent years has skewed towards large units for national businesses reducing supply available to local businesses that wish to expand. To address this, some site allocations under Policy S7 require smaller units.”

We note from the allocations in Policy S7 that Sites 64 and 328 are the only ones which require smaller units; being provision of 4,000m² of space in smaller units of up to 1,500m² for small and medium sized businesses on Site 64, and 8,000m² of floorspace in small to medium size buildings (with unit sizes ranging from 185m² up to 1,500m²) to provide space for small and medium sized enterprises on Site 328. The remaining site allocations contain no requirements for smaller units.

The number of smaller units allocated within the Preferred Options draft, identified as ‘local’ industrial need in the HEDNA – WMSESS Alignment Paper, totals 12,000m². This is less than 10% of the requirement identified within the Alignment Paper. This is a considerable shortfall, and is contrary to the NPPF as well as the conclusions in the SA, which states are paragraph 5.4.92:

“As discussed in Section 5.2, there is a strategic case for supporting small / medium-sized employment sites but at this stage it appears likely that the needs of smaller businesses could be met at the larger sites discussed above.”

It goes onto to reference smaller site options of note, including:

“West of the SW Rugby SUE – there are then a number of sites being promoted for employment, namely Site 20, Site 25, Site 58 and Site 77, but the considerations discussed above for Site 117 also



apply here, plus this land is Green Belt. Site 58 is well contained in landscape / Green Belt terms and could warrant further consideration, although achieving suitable access looks challenging.”

We disagree with the SA conclusions in relation to Sites 25 and 58 for the reasons discussed earlier in these representations in relation to both Sites’ limited contribution to the purposes of the Green Belt. Further, the additional evidence submitted via the Call for Sites consultations in support of Site 58 demonstrates that access can be provided into the Site off the A4071 to the west, therefore, both Sites should be subject to further consideration, particularly in light of the considerable ‘local’ industrial need identified in the HEDNA – WMSESS Alignment Paper and the inability of the Preferred Options draft in its current form to meet this need.

We strongly disagree with the conclusion at paragraph 5.4.3 of the SA:

“Overall, there is no clear case for a growth scenario involving allocation of one or more small / medium sized sites for employment land at the current time, but this is a matter that can be revisited subsequent to the current consultation / prior to finalising the Local Plan for publication under Regulation 19.”

We disagree with the approach of the spatial strategy which favours large, strategic sites, in favour of smaller, more localised development sites. It is considered that this is contrary to paragraph 36 of the NPPF, which states:

“Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs²⁰; 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;*

The Preferred Options draft does not meet the need identified within the HEDNA – WMSESS Alignment Paper for ‘local’ industrial need, with proposed allocations providing only 10% of that need.

- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*

The SA fails to properly consider Sites 25 and 58 as reasonable alternatives as it does not have regard to updated evidence supplied which confirms the potential access options into the Sites. As explained in our comments above, it is also considered that both Sites have been overlooked and not assessed on a consistent basis with those proposed for allocation.



- c) *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*

The Plan as prepared will not be effective in meeting the 'local' industrial need as identified within the HEDNA – WMSESS Alignment Paper. Additional allocations for smaller units on smaller sites, such as Sites 25 and 58 should be included.

- d) *Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.*

The Plan is contrary to paragraphs 85 and 86 of the NPPF, which require planning policies to create conditions in which businesses can invest, expand and adapt, with significant weight to be placed on the need to support economic growth taking into account local business needs. It is not considered that the Plan as drafted includes sufficient opportunities for local business needs.

Conclusions and Suggested Amendments

Taking into consideration all of the above, the following amendments to the Plan are suggested to ensure it is positively prepared, justified, effective and consistent with national policy, such that it can be considered sound in accordance with Paragraph 36 of the NPPF:

1. Update the Stage 2 HELAA in respect of Sites 25 and 58 to reflect the additional information provided through the most recent Call for Sites consultation, namely the potential for access into both sites.
2. Increase the provision of smaller employment sites allocated within the Plan to meet the 'local' industrial need identified within the HEDNA – WMSESS Alignment Paper, such as Sites 25 and 58.
3. Publish the Green Belt Contribution Study, and undertake a further Regulation 18 Preferred Options Public Consultation to take into account the updated HELAA and additional smaller scale employment need required.

Yours faithfully,



Appendix A - Email Correspondence with Development Strategy Team Dated 26 March 2025

Good afternoon [REDACTED]

The Stage 2 Site Assessment report is now uploaded to the website.

There are other evidence documents which are not yet available. I will address each you list in turn:

- The HRA Appropriate Assessment will be available at Regulation 19 stage
- The Green Belt Contribution Study has been delayed following the publication of revised national guidance. We intend to publish this once we have it, though we do not have a confirmed timescale.
- The SFRA Stage 2 is in progress, though following the issue of new flood mapping from the EA the timescale for receipt is unclear.

Regards,

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