

Our ref:



Preferred Option Consultation  
Development Strategy Team  
Town Hall  
Evreux Way  
Rugby  
CV21 2RR

By email: [localplan@rugby.gov.uk](mailto:localplan@rugby.gov.uk)

## To whom it may concern

These representations have been prepared by Quod, on behalf of the Signature Hotel Group Limited ('SHGL'), to respond to the Rugby Borough Council's ("RBC") Preferred Options Consultation Document (March 2025).

## Signature Hotel Group Interest

SHGL retain land interests and assets within Rugby borough, and make these representation in the interests of constructive engagement with the emerging local plan, such that the plan can be positively prepared, sound and appropriate for the growth required over the plan period. SHGL reserves the right to participate in further rounds of engagement and dialogue as appropriate to the plan's progress and examination.

## Policy Representations

SHGL wish to submit comment in respect of the policies identified below, which are provided at **document 1**, appended to this letter:

- Policy S2: Strategy for Homes
- Policy S5: Countryside Protection
- Policy H4: Rural Exception Sites
- Policy EN2: Landscape Protection
- Policy EN5: Canopy Cover

## General Position

As set out within paragraph 16 of the NPPF (2023), plans should:

- a) *"Be prepared with the objective of contributing to the achievement of sustainable development;*
- b) *be prepared positively, in a way that is aspirational but deliverable;*
- c) *be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;..."*

Quod | 21 Soho Square London W1D 3QP | 020 3597 1000 | [quod.com](https://quod.com)

Quod Limited. Registered England at above No. 7170188





As confirmed in paragraph 35 of the NPPF (2023), for a plan to be found ‘sound’ the plan must be:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s 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;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- 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
- 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 Government has set an objective of significantly boosting the supply of housing across the country, with an aim of delivering 300,000 homes a year in England. The NPPF (2024) supports this objective, and sets a requirement for local plans to, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas (bearing in mind the other requirements of the NPPF) (paragraph 11).

The implication of the revised standard method and the added focus on delivering housing growth places urgent focus on the need for minimum levels of delivery, but also resilience in the housing land supply trajectory. This informs SHGL’s position regarding the draft plan, as set out herein.

Paragraph 35 of the NPPF (2023) also states that Local Plans and spatial development strategies will be examined to assess whether they are sound. One of the criteria for them to be found sound is that they must be positively prepared i.e. they must “provide a strategy which, as a minimum, seeks to meet the area’s 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;”.

Another criteria set by paragraph 35 of the NPPF is that to be found sound, plans must be Effective i.e. “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”.

For the specific reasons set out within the accompanying policy representations, it is SHGL’s position that the policies as currently drafted are not consistent with national policy requirements set out within the NPPF, are therefore not considered to be sound and must be amended ahead of submission of the plan for examination to the Planning Inspectorate.



We trust this submission provides sufficient detail, however, should you require any further information or clarification, please do not hesitate to contact me. We are keen to remain involved in the Rugby Council consultation process and reserve the right to attend Examination in Public in due course.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



## Document 1 – Policy Representations on Behalf of Signature Hotel Group Limited

### Policy S2: Strategy for Homes

- 1.1 Paragraph 60 of the National Planning Policy Framework (2024) (NPPF) highlights that authorities need to ensure a sufficient amount and variety of land can come forward where it is needed in order to significantly boost the supply of homes in England. It further states *“the overall aim should be to meet as much of an area as identified need as possible, including with an appropriate mix of housing types for the local community”*.
- 1.2 Policy S2 (Strategy for Homes) identifies the following locations for new homes, first (Part A) identifying the intent to deliver 12,978 homes in the period 2024-2045 (618 per year):

Source	Number of Homes 2024-25
South West Rugby	3,990
Houlton remainder deliverable by 2045	3,780
Eden Park, Rugby	664
Other Allocations under Local Plan 2011-31	633
Other sites with planning permission (less than 10% non-implementation rate on sites that are not under construction)	679
Allocations under Policy S6	3,338
Small site windfalls (fewer homes than 5 homes at 50 homes per year)	1,050
Total	14,134

- 1.3 The accompanying narrative to the above distribution of allocations notes at paragraphs 1.5 to 1.7 (inclusive):

*1.5 Much of the housing growth to meet this need is already committed through the Houlton, South West Rugby and Eden Park sites which will continue to be built out during the plan period. The South West Rugby strategic site is carried forward through policies S8 and S9.*



*1.6 Supply is allocated for 9% more than the minimum requirement as a buffer to increase the likelihood of the council being able to continually demonstrate a five-year housing land supply.*

*1.7 Additional sources of supply will be windfalls on sites of fewer than 5 dwellings, non-allocated sites within settlement boundaries, estate regeneration and new allocations made through neighbourhood plans.*

1.4 As drafted, the table does not accord with the identified distribution. The planned exceedance of the **minimum** housing requirement is not clearly noted as falling within specific locations, rather a general over-allocation of housing within the locations identified.

1.5 SHGL highlight that the wording of the policy is not explicit in requiring the overall housing target at Part A to the policy to operate as a minimum for the purposes of distributing growth overall the plan period, but also for the purposes of decision-making. Therefore, our client submits that Policy S2 Part A should be amended as follows:

*“A. To meet our future need for housing, **a minimum of 12,978 new homes will be delivered in the period 2024-2045 (618 each year).**”*

1.6 This ensures that the policy is positively drafted as well as being sound in the context of the NPPF requirement to plan for the borough's minimum level of objectively assessment need (a need having been calculated in accordance with para 62 of the Framework), as per paragraph 36 of the NPPF, which establishes the fundamental requirements of local plans.

1.7 Part B to draft Policy S2 is ambiguous on where delivery is intended, applying a headroom, but not being specific to where delivery is anticipated. Such an approach is valid, *if* an appropriate buffer is made to account for the deliverability of those locations. As noted in the narrative at paragraph 1.6 the buffer is just 9%. In the context of the minimum homes requirement, this places the reliance upon allocations (outwith the windfall developments) of 95.5%, some of which are historic from the 2011-2031 plan and evidently undeliverable.

1.8 The plan should be submitted with clear and evidence-based justification for the levels of windfall delivery within the borough.

1.9 As written, the plan does not make allowance for delivery of larger scale windfall delivery in appropriate locations. A spatial strategy that sits alongside a policy like Policy S2 is appropriate. However, this should not seek to overly constrain (a negative approach to plan-making) other locations for residential delivery, where the wider provisions of the plan can be met on balance (noting the requirements of Section 38(6) of the Town and Country Planning Act 1990).

1.10 It is SHGL's assertion therefore that Part B to Policy S2 should be expanded to identify 'Other appropriate locations for residential windfall delivery in sustainable locations', with an appropriate policy headroom/expectation identified. This would present a positive plank to the policy and significantly improve the potential for the minimum housing targets to be exceeded, to the benefit of the borough's existing communities. This would also ensure alignment with the expectations set out within the NPPF section 'Identifying land for homes', specifically paragraph 73d).



## 2 Policy S5: Countryside Protection

- 2.1 SHGL considers that this policy is not positively written and duplicates policy guidance set out within the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 2.2 Paragraphs 10 and 11 of the NPPF highlights the presumption in favour of sustainable development in order to pursue sustainable development in a positive way. Paragraph 16(b) states that plans should be prepared positively, in a way that is aspirational but deliverable.
- 2.3 There are multiple references to the need to protect and enhance the natural environment within the NPPF/NPPG. A local policy is therefore only relevant where local circumstances and priorities necessitate an alternative approach to the themes intended to be addressed within Policy S5 (Countryside Protection).
- 2.4 The draft policy wording is set out below:

### **S5 Countryside protection**

*A. Outside of the settlement boundaries shown on the policies map, new development will only be permitted where it is in accordance with a policy of this plan which supports development in such locations.*

*B. The extent of the Green Belt in the borough is delineated on the policies map. National Green Belt policy will be applied in these areas.*

*C. Within settlement boundaries, development will generally be permitted subject to compliance with other policies of this plan.*

- 2.5 SHGL object to the policy on the basis that each of the component parts proposed to form policy S5 are either dealt with elsewhere in the draft plan, are explicit in being covered by national policy (NPPF – Part B), or are handled by the usual decision-making requirements of Section 38(6) of the Town and Country Planning Act 1990.
- 2.6 Paragraph 1.15 of the accompanying narrative to draft Policy S5 notes:  
*“Paragraph B of this policy gives effect to national Green Belt policy.”*
- 2.7 National Green Belt Policy applies by virtue of Section 38(6) set out above.
- 2.8 SHGL note that the draft policy is not positively drafted, but circumstances are noted within accompanying narrative, listed at paragraph 1.13, where the plan supports the principle of development in rural locations (set out below). The narrative conflates the concept of rural locations and the countryside, which are distinctly different. This would therefore fail the test of NPPF paragraph 16d.
- 2.9 SHGL therefore object to this policy in so far as it fails to comply with NPPF paragraph 16f, re-provided below for ease of reference:

**16. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting**



**housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings. Plans should:**

*a) be prepared with the objective of contributing to the achievement of sustainable development;*

*b) be prepared positively, in a way that is aspirational but deliverable;*

*c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*

**d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;**

*e) be accessible through the use of digital tools to assist public involvement and policy presentation; and*

**f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).**

2.10 SHGL reserves the right to comment on future versions of this policy, but strongly object to the policy's drafting and inclusion for the above-identified reasons.



### 3 Policy H4: Rural Exception Sites

- 3.1 Under the NPPF, Rural Exception Sites are defined as small sites used for affordable housing in perpetuity where sites would not normally be used for affordable housing. Such sites seek to support the households who are current residents or have an existing family or employment connection. A proportion of market homes may be acceptable where it is required for the viability of the development.
- 3.2 The Emerging Local Plan Policy H4 outlines RBC's position on Rural Exception Sites.

#### H4 Rural exception sites

*A. Subject to compliance with other policies of this plan and the demonstration of local need for affordable housing, small sites for affordable housing in perpetuity will be permitted on sites adjacent to the edge of an existing settlement, including in the Green Belt.*

*B. Where a viability assessment prepared in accordance with the Planning Practice Guidance demonstrates this is necessary to make the scheme viable, up to 20% of the homes on a rural affordable housing exception site may be delivered as market housing.*

*C. Proposals for community-led development exception sites and First Homes exception sites (in each case as defined in national policy) will be permitted in locations adjacent to the edge of existing settlements (not including in Green Belt locations) where the relevant requirements of national policy and guidance are satisfied.*

- 3.3 The prescription of this policy to all rural areas as a blanket policy does not allow for the consideration of a site's individual constraints and how that would inform the development of a proposal. NPPG paragraph 009 (Reference ID: 67-009-20190722) states that "a wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness".
- 3.4 The Emerging Local Plan Policy H4 (Rural Exception Sites) sub paragraph A states:  
*Subject to compliance with other policies of this plan and the demonstration of local need for affordable housing, small sites for affordable housing in perpetuity will be permitted on sites adjacent to the edge of an existing settlement, including in the Green Belt.*
- 3.5 Paragraph 83 of the NPPF seeks to promote sustainable development in rural areas and housing should be located where it will enhance or maintain the vitality of rural communities. However, restricting 'small sites' on the edge of existing settlements does not take into consideration the possibility that a larger development to enhance the vitality of an adjacent existing settlement.
- 3.6 Paragraph 16 of the NPPF requires plans to "contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals".





The wording above does not provide clarity on what will be classed as a 'small site', nor does the Emerging Plan glossary.

- 3.7 If there is a robust rationale for restricting rural housing to 'small sites' SHGL suggests the inclusion of a definition of 'small sites' within the Emerging Local Plan in order to provide a clearer policy which informs a development proposal's design and assists RBC's decision-making. However, it is SHGL's contention that the NPPF makes no specific expectation that rural housing should be limited to small sites. Indeed, where the wider requirements of the NPPF and a local plan are met, there should be scope to benefit from sustainability benefits of making efficient use of land in locations and doing so to densities and scale that would align with the wider expectations of national policy guidance (note Section 11 of the NPPF).
- 3.8 In addition, the evidence base supporting the Emerging Local Plan presents contradictory information to that of what is contained within the policies. For example, the Transport Network Analysis Methodology Note defines various sites in Dunchurch as 'Edge of Town' rather than Rural. The lack of consistency and ambiguity of the Plan's definition of certain areas, reiterates the previous issue raised in this representation; whereby the vague and blanket wording of policy prevents policy from being consistently applied.
- 3.9 The policy wording does not allow for the material benefits of a scheme to be considered, such as the provision of a larger affordable housing development and its significant benefit to national housing delivery or the improvement of local transport infrastructure within schemes and through contributions.
- 3.10 SHGL does not support the inclusion of the presumption against larger affordable housing developments Prescribing the same restrictions on the edge of rural villages to main rural settlements is not considered to promote or facilitate sustainable development. Small sites are more appropriate adjacent to rural villages, whereas small to medium sites could be appropriate adjacent to a main rural settlement. SHGL suggests the rewording of sub paragraph A to the following:
- "Subject to the demonstration of local need for affordable housing, small sites for affordable housing will be permitted on sites adjacent to the edge of an existing ~~settlement~~ rural village, including in the Green Belt".*
- 3.11 In addition, SHGL suggests the inclusion of the following sub-paragraph:
- "Subject to the demonstration of local need for affordable housing, sites on the edge of an existing Main Rural Settlement, including in the Green Belt, will be permitted when considered relative to the particular circumstances of the site".*
- 3.12 It should be noted that the Inspector's Report into the adopted Local Plan 2011-2031 notes (Quod emphasis):
- "[adopted] Policy H4 defines the criteria to be met for rural exception sites, which are encouraged in paragraph 54 of the NPPF to address rural housing needs, in particular for affordable housing.*



*However, it is not necessary for the policy to restrict rural exception sites exclusively to affordable housing, since elsewhere it allows for a small amount of market housing where this will help to deliver affordable housing, which is consistent with the NPPF.*

- 3.13 It is noted that the Inspector makes clear the need for affordable housing to be supported by market housing where it will help to deliver affordable housing. This relationship and dependency on market homes to support affordable housing is well rehearsed and is a general position anticipated by the wider draft Local Plan.
- 3.14 Furthermore, rural housing is subject to the same viability challenges of development within other locations. Therefore, the suggested proportion of acceptable market housing as a proportion of development must enable development to demonstrate a viable level of affordable and market housing as part of policy wording. The policy wording should therefore be amended at Part B to remove the cap on market housing required to support scheme delivery.



## 4 Policy EN2: Landscape Protection

- 4.1 SHGL objects to the drafting of policy EN2 as it fails multiple parts of paragraph 16 of the NPPF concerned with the requirements of local plans. The specific issues are discussed below.
- 4.2 Policy EN2 is re-provided:

### EN2 Landscape protection

*A. Development shall avoid significant adverse impacts on landscape character and significant adverse visual impacts.*

*B. Development proposals must be located and designed to respect scenic quality and maintain a distinctive sense of place.*

*C. Development proposals must avoid detrimental impacts on landscape features which make a significant contribution to the character of the area or to the setting of a heritage asset or settlement.*

- 4.3 The brief accompanying narrative to draft Policy EN2 is provided below:

*5.6 Landscape character is the distinct, recognisable and consistent elements in the landscape that make one landscape different to another. These elements could include for example habitats (woodland etc), trees and veteran trees, and hedgerows.*

- 4.4 When read together, Policy EN2 and the accompanying narrative are negatively drafted. It is noted that there is a connected reference to a Landscape Assessment prepared in 2006. However, such a document is out of date and redundant by virtue of the significant change to the landscape character of the borough in the intervening 19 years.
- 4.5 Broad reference to landscape character is not sufficiently precise to be effective at controlling development. Indeed, whilst reference is made at all three component parts to draft policy EN2 that development 'shall' and 'must' be considered to do. It is ambiguous in how schemes that are not considered to respond positively to this requirement will be considered.
- 4.6 The policy should make direct reference to the relevant landscape evidence that supports the policy, and it should be indicated how development proposals should approach the issue of landscape character assessments in support of development proposals.
- 4.7 Left as drafted, the policy wording is ambiguous and would therefore not be effective in providing the decision-maker, nor applicants, with a clear approach to navigate the issues of landscape impact as part of development.
- 4.8 SHGL do not wish to promote an alternative wording to draft Policy EN2. Instead, the requirements of this policy are dealt with within NPPF chapter 15 'Conserving and enhancing the natural environment'. Therefore, SHGL promotes the deletion of this policy as it fails against the requirements of NPPF Paragraph 16f.



## 5 Policy EN5: Canopy Cover

- 5.1 Draft Policy EN5 is a new policy (in so far as this is not a duplicate or 'rolled forward' plan from the adopted 2011-2031 plan).

### EN5 Canopy cover

*A. All major development, excluding development in Rugby town centre, shall increase the post-development canopy cover to at least 20% of the site area (excluding areas of the site that are high or very high distinctiveness habitats).*

*B. Where the canopy cover of the site exceeds 20% before development, the proposal should ensure retention of at least the existing level of canopy cover.*

*C. In meeting the requirements of this policy, existing canopy should be retained first, before considering new planting.*

*D. Within Rugby town centre (as defined on the policies map) development shall maximise opportunities for canopy cover and other green infrastructure including green roofs.*

- 5.2 Accompany narrative to draft Policy EN5 is provided below, which provides the context to the requirement for a 'canopy cover' policy.

*5.14 Existing canopy cover shall be assessed using a BS5837:2012 tree report. Post-development canopy cover will be calculated based on the projected canopy spread at 25 years post-development using the council's approved calculator.*

*5.15 The council will apply a suitably worded planning condition to require maintenance of the canopy cover post-development.*

*5.16 It is recognised that there may be sites for which achieving 20% canopy is not possible or desirable. In such circumstances the council may negotiate an alternative level of canopy cover.*

*5.17 Increasing canopy cover will have benefits for urban cooling, biodiversity, climate change mitigation and the attractiveness of the area.*

*5.18 In 2023 Friends of the Earth estimated, based on National Forest Inventory data, that just 4.5% of Rugby Borough is woodland. This places Rugby Borough in the bottom 20% of English local authorities for woodland cover. The policy seeks to address that shortfall.*

*5.19 Doick, K.J., Davies, H.J., Moss, J., Coventry, R., Handley, P., VazMonteiro, M., Rogers, K., Simpkin, P. and Council, W.D., 2017, April. The Canopy Cover of England's Towns and Cities: Baseline and setting targets to improve human health and well-being. In: Proceedings of the Trees, People and the Built Environment III, International Urban Trees Research Conference, University of, Birmingham, UK (pp. 5-6) recommended a minimum tree canopy cover target of 20%. The same study found, in 2016, that the canopy cover in the town of Rugby was 13.2%.*



- 5.3 Noting the requirements of the NPPF relative to the examination of plans in pursuit of sound and justified policies, paragraph 36 notes the following:

*“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 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;*

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

*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*

*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.”*

- 5.4 There is no evidence to suggest that the canopy cover for Rugby borough is necessarily inappropriate for the borough. Indeed, the requirement seems to stem from the recommendation that responds to the assessment in 2016 that contends that 4.5% of Rugby borough is comprised of woodland. This statistic in isolation does not consider the nature of economic activity or morphology of the borough and its settlement pattern. Activities such as farming and collective arrangement of fields will contribute to the erosion of woodland within locations. Other factors would also play their part, not necessarily connected with the impact of new development.
- 5.5 Therefore, this new policy requirement is simply not justified. This lack of justification is compounded absent a thorough review of the impact of such a requirement on all new developments. Such policy requirements would likely have a significant detrimental impact on the deliverability of development, including specifics of new development designs including the ability for new development to achieve minimum densities to achieve an efficient use of land (policy at all levels seeks to secure this).
- 5.6 SHGL therefore contend that without considerable further justification for the requirement for such a policy, coupled with the viability and feasibility testing of such a broad requirement, this policy should not be progressed within further version of the emerging Local Plan.