

Representation Form for Local Plans



Local Plan Publication Stage Representation Form

Ref:

(For
official
use only)

**Name of the Local Plan to which
this representation relates:**

Rugby Borough Council Proposed
Submission Local Plan

Please return to Rugby Borough Council by 5:00pm Friday 13th March 2026
By email to: localplan@rugby.gov.uk with **Proposed Submission Consultation**
in the subject line, OR by post to: Development Strategy, Town Hall, Evreux
Way, Rugby, CV21 2RR.

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each
representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation boxes below (if applicable) but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	<input type="text" value="Miss"/>	<input type="text"/>
First Name	<input type="text" value="Kerry"/>	<input type="text"/>
Last Name	<input type="text" value="Hughes"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value=""/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value=""/>	<input type="text"/>
Address Line 1	<input type="text" value=""/>	<input type="text"/>
Line 2	<input type="text" value=""/>	<input type="text"/>
Line 3	<input type="text" value=""/>	<input type="text"/>
Line 4	<input type="text" value=""/>	<input type="text"/>
Post Code	<input type="text" value=""/>	<input type="text"/>
Telephone Number	<input type="text" value=""/>	<input type="text"/>
E-mail Address	<input type="text" value=""/>	<input type="text"/>

(where relevant)

Part B – Please use a separate sheet for each policy or site you wish to comment on

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	<input type="text"/>	Policy	<input type="text"/>	Policies Map	<input type="text"/>
Site ID	136				

4. Do you consider the Local Plan:

(1) is Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>
(2) is Sound	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>
(3) complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

a) Failure to Discharge Statutory Duties under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1) imposes a statutory duty requiring decision-makers to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Planning Inspectors have consistently held that this duty must be:

“demonstrably and consciously applied”
(Barnwell Manor Wind Energy Ltd v East Northamptonshire DC [2014])

In this case:

- Wolston is a historic rural village with a defined Conservation Area.
- The proposed site forms part of the open setting and rural character that contributes to the Conservation Area’s significance.
- The plan fails to demonstrate how this allocation preserves or enhances the Conservation Area or its setting.

- The Parish Council is actively considering a review of the Wolston Conservation Area Character & Appearance, yet the plan proceeds without waiting for or incorporating this work.

This represents a failure to properly discharge a statutory legal duty, rendering the plan legally deficient.

b) Flood Risk, Drainage, and Public Safety Failures

Inspectors have repeatedly confirmed that:

“Sites with unresolved flood risk and access constraints should not be allocated in development plans.”

(Appeal ref: APP/Q5300/W/17/3173835)

Wolston experiences frequent flooding, sometimes multiple times per year. During flood and severe weather events:

- Access routes are restricted or impassable.
- Emergency response times are compromised.
- Sewerage and drainage systems already fail under existing demand.

The plan provides no robust evidence that:

- Drainage capacity is adequate
- Sewerage infrastructure can cope
- Emergency access can be guaranteed

Proceeding in the absence of this evidence fails to meet legal and policy obligations.

c) Failure to Properly Consider Biodiversity and Wildlife

The site is active farmland supporting birds, hedgehogs, rabbits, foxes, small mammals, and deer.

Inspectors have held that:

“Plan allocations must be informed by sufficient ecological evidence to demonstrate that biodiversity harm can be avoided or adequately mitigated.”

(Appeal ref: APP/K1128/W/19/3235008)

No such evidence underpins this allocation. Habitat loss would be permanent and irreversible, contrary to statutory and policy requirements.

2. Soundness

The plan is not sound.

It fails multiple soundness tests.

a) Not Positively Prepared

The site was dismissed at Stage 1 due to lack of school capacity, only to be reintroduced at Stage 2 as housing for those aged 55+.

Inspectors have warned against:

“Reallocating sites without resolving fundamental constraints simply by altering housing typology.”

(Appeal ref: APP/R3650/W/18/3207414)

Reclassification does not address:

- Flood risk
- Drainage failure
- Emergency access limitations
- Noise, privacy, and amenity impacts

The plan is therefore not positively prepared.

b) Not Justified or Evidence-Led

A sound plan must represent the most appropriate strategy based on proportionate evidence.

In this case:

- There is no robust evidence of unmet local demand for retirement housing of this type.
- Comparable developments show:
 - High vacancy rates
 - Long marketing periods
 - Rapid depreciation
 - Excessive service charges, ground rent, and exit fees
- Properties of this type often remain unsold for extended periods.

Inspectors have consistently rejected allocations where:

“Demand assumptions are not supported by market evidence.”

(Appeal ref: APP/X2410/W/20/3259234)

The allocation is not justified.

c) Not Effective

An effective plan must be deliverable and workable.

This allocation is unlikely to be effective because:

- Flooding and drainage issues remain unresolved
- Sewerage infrastructure is already inadequate
- Emergency access cannot be guaranteed
- High vacancy risks create security and antisocial behaviour concerns

Inspectors have found plans unsound where:

“Infrastructure constraints cast doubt on long-term deliverability.”
(Appeal ref: APP/H1840/W/19/3223428)

d) Harm to Residential Amenity (Noise, Privacy, Overbearing Impact)

Existing homes along Warwick Road and Millennium Way directly border the site.

Development would result in:

- Prolonged construction noise
- Increased traffic noise post-completion
- Overlooking and loss of privacy
- Overbearing impact on gardens and homes

This conflicts with NPPF paragraph 135 and established Inspector guidance requiring protection of existing residents’ amenity.

e) Unsustainable Location for 55+ Housing

The site is approximately 1.7km round trip from local amenities.

Inspectors have found that:

“Locations requiring older residents to rely on private vehicles are not suitable for age-restricted housing.”
(Appeal ref: APP/F1610/W/21/3286624)

As a result:

- Car dependency would increase
- Traffic, pollution, and parking pressures would worsen
- The village’s limited parking capacity would be exceeded

The proposal conflicts with NPPF paragraphs 92 and 110.

3. Duty to Cooperate

The plan fails to demonstrate compliance with the Duty to Cooperate.

The Duty requires constructive, active, and ongoing engagement on strategic matters.

In this case:

- There is no clear evidence of effective cooperation with:
 - Sewerage and drainage authorities
 - Emergency services
 - Health providers
- Persistent flooding and infrastructure failures indicate unresolved strategic issues.

Inspectors have found plans unsound where:

“Engagement has not translated into resolved infrastructure solutions.”
(Appeal ref: APP/R0660/W/18/3206274)

Overall Conclusion

When assessed against legal duties, soundness tests, and Inspector precedent, the plan:

- Is not legally compliant
- Is not sound
- Fails to meet the Duty to Cooperate
- Causes unacceptable harm to:
 - Heritage
 - Wildlife
 - Residential amenity
 - Public safety
 - Sustainability

The allocation should be removed from the plan

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Modification 1: Removal of the Wolston Site Allocation

Proposed Modification

Remove the allocation of land behind Warwick Road and Millennium Way, Wolston, from the Local Plan.

Reason for Modification

This modification is necessary because the allocation:

- Fails to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as the Plan does not demonstrate that special attention has been paid to preserving or enhancing the character or appearance of the Wolston Conservation Area or its setting.
- Is not supported by sufficient evidence to demonstrate that flood risk, drainage, sewerage capacity, and emergency access constraints can be resolved.
- Is not justified by robust evidence of local housing need, particularly for age-restricted accommodation.
- Would result in unacceptable harm to residential amenity, biodiversity, and the character of the village.
- Is located in an unsustainable position relative to local amenities, leading to increased car dependency, traffic, and pollution.

Inspectors have consistently held that sites with unresolved constraints should not be allocated. Removal is therefore the only modification capable of making the Plan legally compliant and sound.

Suggested Revised Wording

Delete all references, maps, and policies allocating land behind Warwick Road and Millennium Way, Wolston, for residential development.

Modification 2: Strengthening Policy Requirements for Conservation Areas and Their Settings

Proposed Modification

Amend the relevant heritage and design policies to explicitly require that allocations affecting Conservation Areas or their settings demonstrate compliance with Section 72 duties at plan stage, not deferred to decision-making.

Reason for Modification

The current Plan relies on future assessment rather than demonstrating, at allocation stage, that statutory heritage duties have been met. This approach has been criticised by Inspectors and the courts.

This modification is necessary to ensure legal compliance with Section 72 and consistency with national policy.

Suggested Revised Wording

“Development proposals within or affecting the setting of a Conservation Area must demonstrably preserve or enhance the character and appearance of the Conservation Area. Site allocations will only be made where this requirement has been evidenced and assessed at plan preparation stage.”

Modification 3: Introduction of a Flood Risk and Infrastructure ‘Showstopper’ Policy

Proposed Modification

Insert a policy requiring that sites affected by flood risk, drainage, sewerage, or emergency access constraints are not allocated unless evidence demonstrates these issues are resolved prior to adoption.

Reason for Modification

The Plan currently allocates sites despite unresolved infrastructure constraints, contrary to national policy and Inspector precedent. This undermines effectiveness and deliverability.

This modification is required to ensure the Plan is justified, effective, and consistent with the NPPF.

Suggested Revised Wording

“Land will not be allocated for development where there is evidence of unresolved flood risk, drainage, sewerage capacity, or emergency access constraints, unless it can be demonstrated through proportionate evidence that such constraints can be satisfactorily addressed prior to development.”

Modification 4: Biodiversity and Wildlife Safeguards at Allocation Stage

Proposed Modification

Amend the Plan to require proportionate ecological evidence to inform site allocations, rather than deferring assessment to planning application stage.

Reason for Modification

Allocating land without adequate ecological assessment risks irreversible biodiversity harm and conflicts with national policy requirements for net biodiversity gain.

This modification is necessary to ensure the Plan is consistent with NPPF paragraphs 174–180.

Suggested Revised Wording

“All site allocations must be informed by proportionate ecological assessment demonstrating that significant harm to biodiversity can be avoided or adequately mitigated, and that ecological networks will be protected and enhanced.”

Modification 5: Accessibility and Sustainability Criteria for Age-Restricted Housing

Proposed Modification

Introduce explicit criteria requiring that housing for older persons is located within safe, convenient walking distance of essential amenities.

Reason for Modification

Allocating age-restricted housing in locations that require car dependency undermines sustainability, health, and inclusivity objectives.

This modification is necessary to ensure the Plan is positively prepared and consistent with national policy.

Suggested Revised Wording

“Housing for older persons will be supported only where sites are located within reasonable and accessible walking distance of local shops, services, and facilities, and where reliance on private vehicles is minimised.”

Modification 6: Protection of Residential Amenity for Adjacent Properties

Proposed Modification

Strengthen policies to prevent allocations that would result in unacceptable noise, overlooking, loss of privacy, or overbearing impact on existing homes.

Reason for Modification

The Plan currently fails to adequately safeguard existing residents from harm arising from new allocations.

This modification is required to ensure compliance with national design and amenity standards.

Suggested Revised Wording

“Site allocations must demonstrate that development will not result in unacceptable harm to the amenity of existing residents, including through noise, loss of privacy, overlooking, or overbearing impact.”

Conclusion

The modifications above are necessary to make the Local Plan:

- Legally compliant
- Sound
- Consistent with national planning policy
- Deliverable and effective

In the absence of these modifications—particularly the removal of the Wolston allocation—the Plan should be found unsound

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I wish to participate in the hearing sessions because there are fundamental legal, evidential, and practical issues relating to the proposed allocation that cannot be adequately explored through written representations alone.

1. Legal Compliance Issues Require Examination

The Plan raises serious concerns regarding compliance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, particularly in relation to the impact of the allocation on the setting and character of Wolston Conservation Area.

Hearing sessions are necessary to:

- Examine whether the statutory duty has been properly and demonstrably applied at plan preparation stage.
- Test the adequacy of the evidence relied upon by the Council when allocating the site.
- Clarify how the Plan can lawfully proceed where conservation area impacts have not been properly assessed.

These are matters of law that benefit from oral examination.

2. Flood Risk, Drainage, and Emergency Access Are Disputed and Unresolved

There is a clear dispute between local lived experience and the assumptions underpinning the Plan regarding flood risk, drainage capacity, sewerage failures, and emergency access.

Participation in hearings is necessary to:

- Provide first-hand evidence of recurring flooding events.
- Question whether infrastructure bodies have been adequately engaged.
- Test the realism of mitigation measures claimed by the Council.

Inspectors routinely hear oral evidence where infrastructure deliverability is contested.

3. Evidence Base and Justification Require Testing

The justification for reintroducing the site at Stage 2 as 55+ housing raises significant concerns.

Hearing sessions are necessary to:

- Test whether changing the housing typology resolves fundamental site constraints.
- Examine whether the Council's evidence on housing need and market demand is robust.
- Explore whether reasonable alternative sites have been properly assessed.

These matters go directly to the Plan's soundness and require oral scrutiny.

4. Impact on Residential Amenity and Community Character

The allocation would cause significant harm to the amenity of residents whose properties directly border the site.

Hearing participation is necessary to:

- Explain site-specific impacts relating to noise, privacy, and overbearing development.
- Provide context that cannot be conveyed fully through policy wording alone.
- Assist the Inspector in understanding how the allocation would function in practice.

Inspectors have repeatedly recognised the value of oral evidence from affected residents in such circumstances.

5. Sustainability of Location for Age-Restricted Housing

The suitability of the site for 55+ housing is contested, particularly in relation to distance from amenities, accessibility, and car dependency.

Hearing sessions would allow:

- Clarification of walking distances, gradients, and accessibility barriers.
- Examination of whether the location aligns with national sustainability objectives.
- Testing of assumptions around transport, parking, and pollution impacts.

6. Modifications Can Only Be Properly Explored Through Oral Discussion

The modifications proposed—including removal of the allocation or strengthened policy safeguards—would benefit from discussion during hearings.

Participation is necessary to:

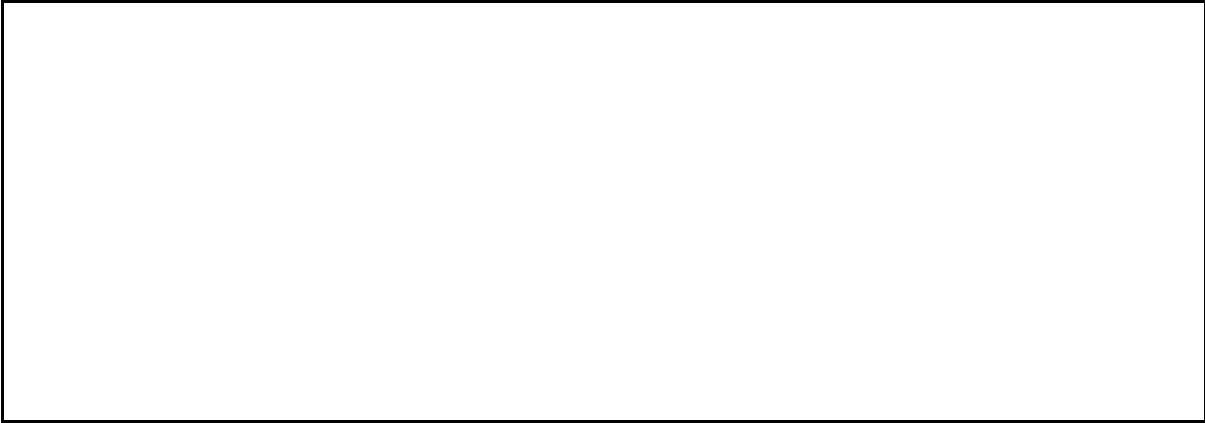
- Explain why certain modifications are essential rather than optional.
- Respond to questions from the Inspector.
- Engage constructively in the examination process.

Conclusion

Participation in hearing sessions is necessary because the issues raised are:

- Substantive
- Site-specific
- Disputed
- Central to legal compliance and soundness

Oral examination would materially assist the Inspector in reaching a sound and lawful conclusion.



Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

All representations received will be submitted to the Planning Inspectorate alongside the Proposed Submission Local Plan and published on the council's website. Personal addresses and email addresses (as distinct from businesses addresses), but not names, will be redacted before representations are published.

The Rugby Borough Council Privacy Notice for Development Strategy is available here:

<https://www.rugby.gov.uk/w/privacy#development-strategy>

The Planning Inspectorate's privacy notice can be accessed here:

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>