



RUGBY BOROUGH COUNCIL LOCAL PLAN (2025 – 2042)

**STATEMENT OF COMMON GROUND BETWEEN RUGBY
BOROUGH COUNCIL AND THE ENVIRONMENT AGENCY**

MARCH 2026

1. Organisations

- 1.1. Rugby Borough Council (“the Council”)
- 1.2. The Environment Agency (“the Agency”)

2. Introduction

- 2.1. This Statement of Common Ground (SoCG) has been prepared jointly by Rugby Borough Council (RBC) and the Environment Agency.
- 2.2. The Statement identifies areas of agreement and disagreement between Rugby Borough Council and The Environment Agency in relation to the Rugby Borough Local Plan (2025-2042) (“the Local Plan”) and its supporting evidence base.
- 2.3. It has been prepared to demonstrate that the Council has effectively cooperated with the Environment Agency on strategic planning issues that lay within the Agency’s remit, as required by the Duty to Co-operate and the National Planning Policy Framework (NPPF).
- 2.4. Within England, the Environment Agency are responsible for:
 - Regulating major industry and waste;
 - Treatment of contaminated land;
 - Water quality and resources;
 - Fisheries;
 - Inland river, estuary and harbour navigations;
 - Conservation and ecology; and
 - Managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

3. Duty to Co-operate

- 3.1. As set out in the Council’s Duty to Cooperate Statement, the Council has engaged with the Environment Agency throughout the plan-making process.
- 3.2. The Environment Agency made representations in response to the Issues and Options Consultation (Regulation 18) addressing a range of strategic issues including: flood risk; water supply and foul disposal; contaminated land, and climate change.
- 3.3. Further representations were made in response to the Preferred Option Consultation (Regulation 18) addressing the strategic issues mentioned above, expressing support for some policies, and making detailed recommendations for amendments to the policies relating climate (CL3), environment (EN1, EN4, EN6 and EN7), design (D5) and infrastructure (I4).

3.4. Actions taken by the Council to address the recommendations made by the Agency in response to both Regulation 18 consultations include:

- Producing a Level 2 Strategic Flood Risk Assessment.
- Applying the sequential test for flood risk when selecting sites for allocation, as demonstrated by the Level 2 Strategic Flood Risk Assessment (SFRA) Sequential Test Report.
- Assessing the ability for proposed allocations to be accommodated in terms of water quality and wastewater via a Stage 2 Water Cycle Study.
- Identifying, via the Stage 2 Water Cycle Study, constraints to development relating to water resources and solutions to these where necessary, including an upgrade to the Wolvey-Bramcote booster station (also specified in the Infrastructure Delivery Schedule).
- Identifying Climate Change as a priority in the plan (objective three) and setting out several climate policies, including an ambitious net zero buildings policy (CL1).
- Implementing numerous changes to policies and their explanatory text to accommodate the Agency's recommended wording, including specifying that proposals should take account of the River Basin Management Plan prepared by the Environment Agency (CL3), and that off-site biodiversity mitigation shall contribute to the priorities of the Local Nature Recovery Strategy (EN5).

3.5. A minority of the recommendations made by the Agency in their Regulation 18 representations have not been taken forward. This has mostly occurred where the Council deems that doing so would result in an unnecessary repeating of national policy. A detailed breakdown of how representations have been accounted for is provided in the appendix to this Statement.

3.6. In addition to being consulted on the Issues & Options (Regulation 18) and the Preferred Option Consultation Document (Regulation 18), the Agency were also separately consulted with regards to the Council's Water Cycle Study and Strategic Flood Risk Assessment.

3.7. The Water Cycle Study has been carried out using a two stage phased approach as recommended by the Environment Agency, has used a water quality model for the area as provided by the Agency, and has been informed by relevant guidance and information published by the Agency, as referenced throughout the reports. The Environment Agency were consulted on the methodology for assessing water quality and on the draft reports prior to their finalisation.

3.8. The Strategic Flood Risk Assessments (Levels 1 & 2) have also been produced in consultation with the Environment Agency. They utilise data sourced from the Agency and have been carried out in accordance with relevant guidance and information published by the Agency, as referenced throughout the reports.

3.9. In sum, the Council have continually engaged the Agency throughout the plan-making process, and have taken their representations into account with a view to ensuring the Local Plan can deliver sustainable development.

4. Agreed Matters

4.1. Rugby Borough Council and the Environment Agency **agree** that the proposed submission version of the Rugby Borough Local Plan 2025-2042 complies with the duty of the Council to co-operate with the Agency.

4.2. It is **agreed** that the strategy, allocations and policies within the Local Plan provide a sound basis for the protection and enhancement of the environment up to 2042 in accordance with national legislation.

4.3. It is **agreed** that the plan's supporting evidence including the Water Cycle Study (Stage 1 & 2), Strategic Flood Risk Assessment (Levels 1 & 2), and Infrastructure Delivery Schedule provide an adequate assessment of the required water infrastructure to support planned growth up to 2042.

4.4. It is **agreed** that sites allocated for development in the plan are located appropriately in accordance with the sequential test and sequential approach to flood risk as identified in national policy and guidance.


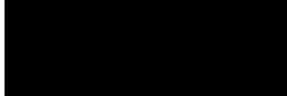
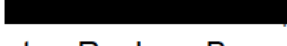
4.5. It is **agreed** that the Council's Sustainability Appraisal provides a sound assessment of the plan and accords with the Strategic Environmental Assessment Directive.

5. Monitoring

5.1 This Statement will be maintained by the Council and updated as necessary with the input and authorisation of the Environment Agency.

5.2 Rugby Borough Council will continue to work with the Environment Agency beyond the adoption of the Plan Review for the monitoring and implementation of the Plan.

6. Signatories

Signature: 	Signature: 
Mrs Tessa Jones (EA)	Nicola Smith,  with and Investment, Rugby Borough Council
Date: Tuesday 17 th March 2026	Date: Wednesday 18 th March 2026

Appendix: Summary of Agency Representations and Council Responses

Preferred Option Consultation

Ref	Environment Agency Representation (summary)	Council Action or Response
1	Before the next consultation, the Council need to demonstrate that the Sequential Test has been applied to the Local Plan. This can be as part of the Sustainability Appraisal or preferably as a standalone document.	Fulfilled: See the Level 2 Strategic Flood Risk Assessment (SFRA) Sequential Test Report.
2	The Council needs to ensure a Level 2 SFRA is prepared, which covers ordinary watercourses as well as main rivers, and that the site assessment outcomes inform decisions on site deliverability, the Sequential and Exception Tests and site policies and design guidance.	Fulfilled: See the Level 2 Strategic Flood Risk Assessment (SFRA) Report and its appendices. How this has influenced site allocations is specified in the Stage 2 Site Assessment Report.
3	We expect the Level 1 SFRA to be updated to include new flood zone information.	The Level 2 SFRA was updated during its production to account for new flood zone information.
4	Recommend the Council carry out further assessment to determine whether there is sufficient capacity in the receiving STW(s) to serve Rugby's growth without causing significant deterioration of receiving water bodies. Where a constraint is identified, a solution should be identified, which could be included in an Infrastructure Delivery Plan.	Fulfilled: The Stage 2 WCS identifies constraints to development and solutions to these constraints, including an upgrade to the Wolvey-Bramcote booster station (also specified in the Infrastructure Delivery Schedule).
5	Constraints posed by historic landfill sites to proposed development should be considered.	Fulfilled: Historic landfill sites are identified in the HELAA as a potential constraint where applicable.
6	Recommend that planning policies ensure that appropriate assessment and mitigation can be carried out by the agent of change, as this relates to residential development close to industrial sites. Land South of Crick Road highlighted as an example.	The agent of change principle is reflected in national policy – we do not believe there is a need to repeat it locally.
7	Encourage the Council to identify climate change as an overall Development Plan priority and to align policies with national net zero targets and mitigation policies.	Fulfilled: The third objective of the plan is to reduce carbon emissions and adapt to climate change. The plan has an ambitious net zero

Ref	Environment Agency Representation (summary)	Council Action or Response
		buildings policy (CL1), as well as a policy requiring all development to be resilient and adapt to climate change (CL4).
8	Recommend incorporating the order of preference for foul wastewater, including non mains drainage, into part B of policy CL3.	Both the Environment Agency and Severn Trent Water have suggested amended wording for Part B of the policy, but they are not the same. We have opted to use the wording suggested by STW.
9	Recommend that for non-residential developments over 1,000 sqm, BREEAM 'excellent' standards for water consumption should be met when water resources are under pressure.	Part D of policy CL3 requires new major non-residential developments to achieve full credits for category Wat 01 of BREEAM. This is a different way of expressing the same thing.
10	The Local Plan should highlight that development should set out to achieve objectives set out within the River Basin Management Plans (both Severn and Humber) whenever there is an opportunity to do so.	Fulfilled: The explanatory text for policy CL3 states that "proposals should take into account... the River Basin Management Plan prepared by the Environment Agency".
11	Part C of policy EN1 could be extended to protect all watercourses (not just LWS watercourses). Development proposals that will restrict channel flow (such as culverts) must not be permitted without substantial justification to do so.	We have not implemented this recommendation as Part C of policy EN1 is exclusively about locally designated sites (which does not include all watercourses).
12	Encourage biodiversity mitigation (EN4 [now EN5]) to align with any goals outlined in the forthcoming Warwickshire Local Nature Recovery Strategy.	Fulfilled: Policy EN5 states that off-site delivery shall contribute to the biodiversity priorities of the Local Nature Recovery Strategy.
13	Recommend significant amendments to policy EN6 (flood risk). All major developments must be assessed in respect of the level of flood risk from all sources taking into account the impact of climate change. If development is to occur in areas of flood risk following the sequential test, it should only be permitted where the type of development is appropriate to the level of flood risk for	It is considered that these requirements are already set out in national policy and adequately given effect by parts A & B of the policy.

Ref	Environment Agency Representation (summary)	Council Action or Response
	its lifetime.	
14	Where overnight accommodation is proposed, policies should seek to ensure applications demonstrate that the development has safe pedestrian access above the 1% river flood level plus climate change.	This is a detailed requirement that can be assessed at planning application stage by the LLFA/EA under existing national and proposed local plan policy. It doesn't need to be specifically set out in the plan.
15	All development must undertake an assessment on what environmental and flood risk betterment can be provided.	The requirement is too vague to form a local plan policy. Environmental betterment would overlap with, for example, biodiversity net gain considerations. It is considered that a requirement for flood risk betterment goes beyond national policy and the justification for this is unclear.
16	We recommend residential ground floor finished floor levels should be set no lower than 600m above the 1% river flood level plus climate change, with flood proofing measures considered.	This is a detailed requirement that can be assessed at planning application stage by the LLFA/EA under existing national and proposed local plan policy. It doesn't need to be specifically set out in the plan.
17	Unless shown to be acceptable through exceptional circumstances, development should be set back at least 8m from main rivers and ordinary watercourses.	Fulfilled: This requirement is set out in part C of policy EN7 Flood Risk.
18	Development shall be designed and located to minimise and reduce the risk of flooding to itself, third parties and be resilient and resistant to flooding.	Fulfilled: Part B of policy EN7 Flood Risk specifies that where development is permitted in areas at risk of flooding it will need to be safe for its lifetime without increasing flood risk elsewhere.
19	Sustainable Drainage methods shall be incorporated into new developments.	Fulfilled: See policy D5, Sustainable Drainage.
20	Allocations which drain into the three high risk catchments identified in the Level 1 SFRA should be reviewed to minimise cross boundary cumulative development issues.	No allocations have been made in the two high risk Leam catchment areas. Only a single residential allocation has been proposed in the high risk Clifton Brook catchment area (Site 338, Land South of Crick Road), and this is within the boundary of the

Ref	Environment Agency Representation (summary)	Council Action or Response
		extant Houlton outline planning permission on land that has outline planning permission for employment development.
21	When development occurs, a Flood Risk Assessment will need to be produced.	Fulfilled: Policy EN7 (Flood Risk) states “site specific flood risk assessments must be undertaken and submitted where required in line with national policy and guidance”.
22	Land which is required for current and future flood management will be safeguarded from development.	Fulfilled: Part C of policy EN7 (Flood Risk) safeguards areas needed for flood risk management, now and in future, from development.
23	Development proposed on sites that have ground contamination, or are potentially contaminated, must be supported by a Preliminary Risk Assessment, demonstrating that risks are understood and can be safely managed – it is noted that this requirement is partially addressed within draft policies CL3 and EN7.	Fulfilled: The explanatory text for policy EN8 states “development proposals on land which is or has been subject to land use(s) which have the potential to have caused contamination of the underlying soils and groundwater require a Preliminary Risk Assessment”.
24	We encourage clean roof runoff to be directed away from the sewer system and into infiltration drainage or other SuDS systems.	Fulfilled: See policy D5, Sustainable drainage.
25	Encourage the Council to reflect whether the plan appropriately considers waste and the move toward a circular (more space intensive) circular economy in waste management.	Waste planning is a Warwickshire Country Council matter, and addressed through minerals and waste planning.
26	Recommend inclusion of advice stating that developers of cemeteries will be expected to demonstrate through detailed risk assessment that groundwater pollution will be avoided.	We consider this risk to be adequately addressed through part A of policy EN8 which specifies that “development shall not cause or be affected by unacceptable harm to... the natural environment through air (including odour), water, noise, or light pollution, vibration, insects, vermin, land contamination or instability”.

Issues & Options Consultation

Ref	Environment Agency Representation (summary)	Council Action or Response
1	Allocations should be supported by an up to date, sound and robust evidence base, including a Strategic Flood Risk Assessment (SFRA) and a Water Cycle Study (WCS).	Fulfilled: Levels 1 & 2 SFRA and Stages 1 & 2 WCS have been produced, in consultation with the EA, and have informed plan-making.
2	Where the WCS identifies a constraint to proposed development, solutions should also be identified. It may also be necessary to produce an Infrastructure Delivery Plan to set out any key milestones for upgrades and improvements.	Fulfilled: The Stage 2 WCS identifies constraints to development and solutions to these constraints, including an upgrade to the Wolvey-Bramcote booster station (also specified in the Infrastructure Delivery Schedule).
3	We note that some of the potential broad locations identified for future employment development are in areas at risk of fluvial flooding or close to areas of suspected ground contamination including historic landfill sites.	Fulfilled: The risks posed by flooding and historic landfill sites have both been accounted for as part of our site selection process. See the HELAA and Stage 2 Site Assessment report.
4	We recommend that the plan includes a policy to ensure there are effective SuDS in each new development.	Fulfilled: See Policy D5, Sustainable Drainage.
5	When considering land affected or potentially affected by contamination, we encourage engagement with the Environment Agency as early as possible to follow the framework provided by Land Contamination Risk Management (2020).	This would be done at planning applications stage and is covered by Policy EN8 of the local plan.
6	Wording of flood risk criteria for assessing suitability of sites for use by Gypsy and Travellers should be strengthened to include 'pitches should be located outside of the 1 in 100 year, plus an allowance for climate change, flood extent'.	National policy provides a sequential and exception test based approach to assessing flood risk which is applied in Local Plan Policy EN7. It is not considered that there is a justification for applying a different approach to Gypsy and Traveller accommodation.
7	New build HMOs should have finished floor levels set a minimum of 600mm above the 1 in 100 year plus climate change level. HMOs created via change of use should raise finished floor levels	This is a detailed consideration that can be assessed at planning application stage. It is not considered necessary to specify this in planning

	to 600mm above the 1 in 100 year plus climate change level. If this is not possible, a water exclusion strategy and flood resistant construction should be put in place and there should be no ground floor sleeping.	policy.
8	We would support the inclusion of a minimum tree canopy policy for new development.	Fulfilled: See policy EN6, Canopy cover.
9	Developers should be required to prioritise the delivery of Biodiversity Net Gain within close proximity to the development. Connectivity between green/blue spaces in the area should be also prioritised, instead of creating isolated habitats.	Fulfilled: Policy EN5 requires BNG to be delivered on-site, or if this cannot be done, as close as feasible to the site while contributing to habitat connectivity and the priorities identified in the Local Nature Recovery Strategy.
10	We would encourage all new residential to be net zero, and would support requiring all new non-residential developments to be net zero also.	Fulfilled: Policy CL1 requires all new buildings comprising one or more dwellings and new non-residential buildings of 100m ² gross internal area or more to be designed and built to be net zero carbon in operation.
11	Recommend requiring residential development to be designed to achieve a maximum water usage of 110 litres per person per day.	Fulfilled: Policy CL3 requires new dwellings not to exceed the water efficiency standard of 110 litres per person per day in line with regulation 36(2)(b) of the Building Regulations 2010 (as amended).
12	Encourage policy requirements for grey water recycling and rainwater harvesting for new developments.	Fulfilled: Policy CL3 requires to demonstrate that they incorporate “water efficiency and re-use measures”.
13	We encourage the inclusion of robust and forward thinking flood resistance policies that match the commitment to the declared climate emergency. Several specific measures recommended (as repeated at Preferred Option stage, see above).	It is considered that the plan’s flood risk policy (EN7) is robust and forward thinking. Some of the specific measures recommended are already set out in national policy and are adequately given effect by the proposed local policy (there is no need to repeat the NPPF).
14	Any development should follow the policies [relating to land quality and groundwater quality] as set out in the NPPF. This would include assessing the suitability of sites for redevelopment	There is no need to repeat national policy in the local plan. Proposed allocations have had regard to these issues, as specified in the HELAA and

	based on the environmental setting as well as previous site history and potential for contamination to be present.	Stage 2 Site Assessment report.
15	The Council should consider referencing the requirement to ensure that Brownfield sites are cleaned up to an appropriate standard.	Fulfilled: Policy EN8 (Environmental protection and amenity) specifies that “development shall not cause or be affected by unacceptable harm to... the natural environment through air (including odour), water, noise, or light pollution, vibration, insects, vermin, land contamination or instability” and that Preliminary Risk Assessments may be necessary in relevant cases.
16	Recommend incorporating the order of preference for foul wastewater, including non mains drainage, should be incorporated into policy. Specific wording offered as an example.	Both the Environment Agency and Severn Trent Water have suggested amended wording for Part B of the policy, but they are not the same. We have opted to use the wording suggested by STW.
17	Policy should require development to improve the ecological status of waterbodies within the plan area. Policy could also emphasise that proposals should help to conserve and enhance existing watercourses and riverside habitats.	Fulfilled: Policy CL3 specifies that “New developments must demonstrate that they will not result in adverse impacts on the quality of waterbodies, groundwater and surface water, will not prevent waterbodies and groundwater from achieving a good status in the future and contribute positively to the environment and ecology.”
18	Brownfield sites may be contaminated. Screening should consider existing waste management activities and historic landfill sites.	The presence of historic landfill sites has been accounted for in the site allocation selection process, and policy EN8(A) specifies that “development shall not cause or be affected by unacceptable harm to... the natural environment through air (including odour), water, noise, or light pollution, vibration, insects, vermin, land contamination or instability”.
19	Local plan policies should identify high risk waste facilities, steer development away from such areas, and ensure that if	In Warwickshire minerals and waste planning is undertaken by Warwickshire County Council.

	development is proposed in close proximity it is such that it is not of a 'sensitive' nature to such nuisances.	Notwithstanding that, proximity to waste facilities has been considered in assessing potential site allocations.
--	---	--

Further Matters Raised During Production of SoCG

Ref	Environment Agency Representation (summary)	Council Action or Response
1	<p>We would encourage policy wording somewhere in the Local Plan to ensure <i>Development must, where opportunities exist, restore and enhance watercourses. This includes measures such as de-culverting, removal of redundant structures and channel naturalisation to improve flood conveyance, biodiversity and amenity.</i></p> <p>Perhaps this could be included within the section C of Policy EN7.</p>	<p>When the Proposed Submission Local Plan is submitted for examination, we shall propose a modification so that policy EN7 includes the following:</p> <p>“Development should, where opportunities exist, restore and enhance watercourses. This includes measures such as de-culverting, removal of redundant structures and channel naturalisation to improve flood conveyance, biodiversity and amenity.”</p>
2	<p>Upon review of the L2 SFRA under the Reg 19 consultation, we would encourage additional wording in Policy EN7 to assist developers in understanding what level of detail is required in this regard, and ensuring cumulative impacts are considered as set out in the L2 SFRA, which aren't picked up elsewhere in local or national planning policy. The following wording is suggested: <i>“This will entail evidence showing consideration of wider benefits and opportunities, including from cumulative impact assessment, to help ensure development will be safe and reduce flood risk in the catchment where possible.”</i></p>	<p>We consider that these matters are already adequately covered by the PPG 'Flood risk and coastal change' and therefore do not deem it necessary to reproduce the provisions of that guidance within the local plan.</p>