South West Rugby SPD October 2019 Consultation Statement

Response and proposed amendments

October 2020

Context

- 1.1 This Consultation statement aims to summarise the progress of the South West Supplementary Planning Document (SW SPD) since the Consultation in October 2019, identify the key issues raised through the consultation and explain the change in the planning policy context which has resulted in the updated SW SPD September 2020 and further engagement.
- 1.2 The Statement of Community Involvement (SCI) states that a Consultation Statement will be published following the close of the consultation. This will include:
 - A list of the persons consulted;
 - A summary of representation; and
 - A comment on how representations have been considered and the actions taken.

Draft SW SPD Consultation October 2019

- 1.3 The consultation period ran from 17th October and the 29th November 2019. A full copy of the SW SPD is appended to this statement. 243 consultation responses were received, containing 1120 individual comments and representations for consideration by the Council.
- 1.4 In addition two electronic petitions were received, supplemented by a paper copy with additional signatures. Between them, they totalled 501 signatures but when both duplicates and non-Rugby addresses were removed, this reduced the total to 294 signatures.
- 1.5 A list of consultees who made representations to the consultation document can be found in Appendix A.
- 1.6 The consultation was carried out under the Town and Country Planning (Local Planning) (England) Regulations 2012 Regulations 12 and 13. The details of the consultation including where to view the document and how to respond were published on the Rugby Borough Council website and in the Rugby Observer newspaper.
- 1.7 All statutory consultees (including Parish Councils) and any individuals and businesses whose details were held on the Planning Policy Database received either a letter or an email notifying them of the consultation and where to view the document. Following the introduction of GDPR legislation, the Planning Policy Database had been updated to include only those the Council had a duty to consult, and those who had 'opted in' or expressed a wish to be notified of future Local Plan documents.
- 1.8 Copies of the consultation documents were made available on the Council's website and for viewing during opening hours at the Town Hall as well as the Rugby, Dunchurch and Wolston libraries. Representations could be made by email or by post.
- 1.9 In terms of policy areas, green infrastructure, buffer and coalescence, transport and infrastructure requirements received the highest number of comments. In addition, the level of complexity within some representation in respect of legal compliance, the NPPF and Local Plan compliance have been considered in depth.
- 1.10 The electronic petitions set out four key points that the SPD should address.
 - A minimum 100 yards buffer (91m) between Dunchurch and neighbours,
 - A ring road to address traffic/pollution issues,

- Delivery of essential infrastructure (roads, schools etc.) before any increase in demand due to the new development,
- That the Council reassure the community that there are robust plans in place with service providers to ensure local services can support demand from new residents.

1.11 The key issues as a result of the consultation were as follows;

- Responses questioned the scope of the SW SPD and that it goes beyond what the Local Plan allows for, which is for a 'Masterplan' SPD;
- As drafted, the SW SPD required subsequent site wide documents to be produced by applicants. Both site promoters and residents questioned the inclusion of site wide documents within the draft SW SPD. Generally, it was felt this role should be entirely that of the SW SPD to set the Masterplan and not delegate to the Development Management stage;
- Open space provision for formal parks and allotments within the draft SW SPD is not consistent with the local plan requirements;
- How the SW SPD would enable delivery of affordable housing and what mix and tenure would be expected from the development;
- SW Rugby site promoters were of the view the design and character section is too onerous and goes beyond national planning policy and that the section needs to be consistent with Building for Life and the adopted Coton Park East SPD;
- The Infrastructure costs were not clear within the SW SPD and the explanation of the costs behind the tariff calculation were not explicit; and
- How the tariff is to be implemented.

Legal advice and changes to national guidance since November 2019

- 1.12 The previous SW SPD proposed a Tariff as a way of ensuring infrastructure costs, such as the Homestead Link, were paid by multiple landowners, on a square metre of development basis, in order to promote equalisation across the wider allocation.
- 1.13 Since the SW SPD consultation national planning policy guidance has been updated. The amendments have introduced the preclusion of financial formulas to be introduced and adopted by Council's within SPDs.
- 1.14 Legal advice was sought by the Council which concluded that risk of including the tariff calculation within an SPD, where the calculation is not contained within the Local Plan would potentially be unsound.
- 1.15 Although the tariff can no longer be part of the SW SPD, it can be used to inform the section 106 legal agreements and this approach is now being taken forward. Importantly the equalisation of those shared infrastructure items such as the Homestead Link will still be achieved and ultimately delivered.

 This is in line with the requirements of the Local Plan policies and the principles that underpin the SW SPD.

Further Updates since October 2019

- 1.16 Since the consultation a forward funder has come forward that in the short term this offers the potential for equalisation and delivery of the Homestead Link Road.
- 1.17 The updated SW SPD shows the District Centre contains the secondary school and co, located primary school.
- 1.18 The delivery and phasing figures have been updated following additional analysis if site delivery.
- 1.19 Additional changes have been made on the road alignment.
- 1.20 RBC Parks team are considering the opportunity of taking on the management of Cawston Spinney and open space which can also be delivered via section 106 agreement.

Proposed way forward and updated South West Masterplan SPD

- 1.21 The delegated authority from the October 2019 Cabinet did not allow for comprehensive amendments to the draft SW SPD. In order to minimise risk, enable delivery and implementing the local plan it is important that a sound SPD is adopted by the Council. To ensure this, it is advised that sections of the document are amended and that further engagement is required prior to the adoption of the SW SPD.
- 1.22 In response to the October 2019 consultation this summary outlines the following:
 - A detailed table summarising the key issues raised by section of the SW SPD (October 2019) and the Councils response, linked to the updated SW SPD (September 2020)
 - Appendix A: A list of consultees who made representations.
 - Appendix B: Draft South West SPD (October 2019) for ease of reference.

Table 1: Summary of reposes received and Rugby Borough Council officer response

SPD section	Rep Summary Oct	RBC Response
Introduction	The community and residents identified that this particular group had not been referenced in paragraph 1.6 of the SPD. Residents have also requested that further clarification be provided in the SPD and objective to ensure a high quality sustainable urban extension is developed at South West Rugby. Providing guidance to the community and developers. The SPD as drafted is focused on guidance for the development industry and the role of the community and the new neighbourhood should be made clear in the document.	The updated South West Masterplan SPD reflects the role and consultation with the community, furthermore the SPD aims to address and clarify the Council's preferred masterplan for the site which includes both social and physical infrastructure which are key objectives and central to creating a sustainable new neighbourhood and delivering DS8/DS9 of the Local Plan.
	Further objections were raised by residents with regard to paragraph 1.12 which is explained further below.	
Legal compliance	Clarification was sought on the costs set out in Appendix M and whether the statutory tests of S106 had been considered in deriving costs and how these were inputted into the tariff.	The costs reflected within Appendix M have been provided by the Infrastructure Delivery Plan in Appendix 3 of the Local Plan. Some costs have been updated as a result of further work. These costs area considered to be reasonable and have assessed by third party cost consultants. Costs are to be finalised and agree through S106 at planning application stage, the tariff is no longer set out within the SPD.
	The Consortium raised objections to paragraphs 2.1 and 7.9 Land of 10 dwellings or more within the vicinity of SW should provide contributions and this is outside the provisions of DS8/9 and is contrary to the Town and Country Regulations (2012)	This reference has been omitted from the updated SW Masterplan SPD.

NPPF	NPPF para 34 & PPG 10-002-20190509 which state the drafting of plan policies should be an iterative process and informed by engagement with the community, developers and stakeholders. States that local plan should set out contributions expected from development and such policies should not undermine the deliverability of the local plan.	Following legal advice sought by the Council, the IDP states the expected infrastructure items and costs where evidenced at the time of adoption of the Local Plan. Updated cost have been consulted on in October 2019 and as part of the further consultation on the updated SW SPD.
	The Sustainable Transport Link (STL) not being open to all traffic is contrary to NPPF 104a.	Comments noted, both WCC Highways and RBC agree that the STL is required to provide a fast and efficient bus route and an attractive route for pedestrians and cyclists. Opening the STL to wider transport would make the route less attractive for sustainable modes of transport and may encourage use by HGVs within the site. No change is proposed to the Councils preferred approach for the STL in the updated SPD.
Local Plan compliance	The inclusion of the requirement for the prior submission and agreement of a Masterplan/site wide documents conflicts with DS8/DS9 which state that guidance and the masterplan will be set out within an SPD.	The updated SPD and the masterplan within the SPD have been amended in response to the comments raised as part of the consultation. The role of the SPD is to deliver policy DS8 within the Local Plan and to identify the broad locations for developed within the allocation and the Councils preferred approach for the site. The updated SPD no longer refers to the requirement for the prior submission documents.
	The references to local plan policies throughout the document need to be consistent as not all relevant policies are included. There is a risk of focusing on some issues and not all in the local plan.	The SPD has been reviewed, each section has been updated to ensure local plan policies are consistently referred to throughout the document.

Masterplan/framework	The inclusion of the requirement to submit site wide documents conflicts with DS8. This creates ambiguity and the role of the SPD needs to be clear on masterplan. There is sufficient flexibility within SPD and DS8 for negotiations through the planning application process. Residents objected to site wide document stating that this potentially could be outside of democratic process and planning committee would be to deciding on a masterplan for SW.	As mentioned in the previous section, the updated SPD and the masterplan within the SPD have been amended in response to the comments raised as part of the consultation. The role of the SPD is to deliver policy DS8 within the Local Plan and to identify the broad locations for developed within the allocation and the Councils preferred approach for the site.
Site & context	A number of responses stated the timescales of delivery for the site were unclear.	In light of these comments the delivery and phasing section has been reviewed as part of the updated SPD to include the delivery dates and phases agreed as part of the Local Plan. The delivery and phasing table and map within the document clearly identifies when the allocation will be coming forward.
	Climate change and air pollution impacts are not addressed.	The October SPD referred to both air quality and climate change. The updated SPD has been formatted so that key sections and issues are set out more clearly no significant changes have been made as both air quality and climate change are key issues already considered by the SPD.
	Constraints and not just opportunities need to be identified.	Key constraints are identified throughout the document. Issues such as the capacity at Dunchurch Crossroads, green infrastructure assets such as Cawston Spinney and Cock Robin Wood are identified as constraints as well as opportunities.
	Health impacts and how this can be improved needs to be included within the document.	The October SPD referred to the need for Health Impact Assessments. The updated SPD has expanded this section on health in response to these comments and is clear that health is a key consideration in the development of the allocation.

	Surface water management and how floodrisk is considered in the allocation is not clear how these will be addressed in future as part of the development of the site. Boundary treatment needs explanation.	Further engagement has taken place with the Local Lead Flood Authority. Both Sustainable Urban Drainage and how flood risk will be assed has been reviewed and guidance is provided within the updated SPD.
	Consistency of wording of the capacity of Dunchurch crossroads. Character Thurlaston and Dunchurch. Is important considerations to minimise the impact of the development.	The Local Plan, Strategic Transport Assessment and the SPD recognise that the capacity at Dunchurch Crossroads is a key issues which is to be alleviated through the transport improvements as a result of the SW development. Comments noted and minor changes have ensures that references are consistent. The October SPD referred to the importance of character of both Thurlaston and Dunchurch. The updated SPD has been formatted so that key sections and issues are set out more clearly and the design section has been amended to ensure local distinctiveness and character assessments form part of the design in future planning applications.
Housing	Residents raised concerns that the need for affordable housing needs to be considered within the SPD. This section could also include the expected type and tenure of housing. Developers also raise the point that this must be connected to the viability work.	In response to these comments an updated housing section is set out within the revised SPD this includes affordable housing provision and the mix and tenures expected to come forward on the allocation.
Design & character	Amendments need to align the document to Bfl, Living with Beauty, national design guide. Comments suggested that the design section set overly prescriptive design standards that are not based on evidence and are beyond DS8.	The October SPD referred to the importance of design however considering the comments on the section the SPD has been amended. The updated SPD has been formatted so that key sections and issues are set out more clearly and the design section has been amended to align to national guidance, do not introduce new local policy and ensure local distinctiveness and character assessments form part of the design in future planning applications.

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	Wording of the design section and the use of	Please see comments on page 9.
	words such as 'should' 'must' needs to ensure that	
	new policy is not being created.	
	Proposed density and edges assumptions need to be aligned to viability work which underpin the tariff.	The design section set out in October 2019 was to provide guidance to inform the design of the scheme. The viability work was based on the assumption of the housing requirement set out in the local plan, minus any planning commitments. This is a sound approach in undertaking viability assessments, subsequently the updated SPD and the removal of the Tariff approach set out below the viability work no longer provides the evidence for the SPD. In addition the assumptions in the design section have been
	Crime amendments needed.	reviewed.
	Include ref to NPPF 180.	
Green Infrastructure	Many responses raised concerns that formal parks and space for allotments have not been included with the open space calculations for the open space within the allocation.	The updated SPD provides a Green Infrastructure map and identified how green space is key to the development of the allocation. Furthermore the provision of parks and gardens and allotments is now identified and this is compliant with HS4 of the Local Plan.
	Protection of Cawston Spinney was a key issue and that a Woodland Management plan is in place to ensure future protection and mitigation from the development. The woodland buffer proposes a 20m distance this is beyond Natural England standing advice of 15m.	RBC Parks team are considering the opportunity of taking on the management of Cawston Spinney and the woodland management plan which can also be delivered via S106 agreement. The updated SPD has been reviewed and is consistent with Natural England's standing advice of 15m.

	Concerns over biodiversity were raised.	The October SPD referred to biodiversity and net gain. The updated SPD has been formatted so that key sections and issues are set out more clearly. No significant changes have been made to the biodiversity section as this is issue already considered by the SPD and guidance is provided for future planning applications.	
Buffer & coalescence	A number of objections were raised as the buffer distances as not being 'significant' for coalescence. Concerns were also raised on the developable area, housing delivery and the extent of the buffer.	The updated SPD provides a Green Infrastructure map and identifies how green space is key to the development of the allocation. This map includes the buffer which is a key objective for the implementation of DS8 and the local plan to prevent coalescence between Dunchurch and Rugby. The updated GI map identifies the role of buffer to prevent coalescence. Evidence supporting the buffer has been commissioned by the Council which underpins the approach to buffer and ensures that the coalescence is prevented. This is considered to be a sound approach and only minor formatting and minor amendments are proposed within this section of the updated SPD.	
Delivery & phasing	Concerns were raised about the timing of the GP surgery, school and the district centre and when will they come forward as part of the development. The housing trajectory should be updated and delay if this is delayed.	In light of these comments the delivery and phasing section has been reviewed as part of the updated SPD to include the delivery dates and phases agreed as part of the Local Plan. The delivery and phasing table and map within the document clearly identifies when the allocation will be coming forward. The housing trajectory and delivery has been updated to take into consideration updated monitoring and the delay delivery.	
Transport infrastructure	A number of comments we received regarding the alignment of Homestead Link and how transport infrastructure will come forward as part of the site to mitigate current capacity at Dunchurch crossroads. A further hybrid alignment was also	The updated SPD has considered the proposed changes to the alignment has been amended to include a hybrid alignment to enable the timely delivery of the site coming forward.	

	submitted as part of the consultation from the developers of the site. Further details on cycling and walking access.	
Infrastructure requirements	Comments were received about the Secondary school and school delivery in the phasing of the site coming forward. The SPD also states the need for an education study to be delivered at the same time.	In light of these comments the delivery and phasing section has been reviewed as part of the updated SPD to include the delivery dates and phases agreed as part of the Local Plan. The delivery and phasing table and map within the document clearly identifies when the infrastructure for the allocation will be coming forward. The Infrastructure Delivery Plan states the expected infrastructure items and
		costs evidenced at the time of adoption of the Local Plan. Updated cost have been consulted on in October 2019 and as part of the further consultation on the updated SW SPD.
	Police costs updated.	Costs have been changes by WCC
Employment Objections were raised in that DS8 provides for B8 uses only and this is inconsistent with DS4. Further clarification on design is needed to be consistent with DS8.		The allocation for B8 on the SW allocation is consistent with policy DS8 in the local plan. Further design guidance is set out in the updated the updated SPD, no significant amendments have been made to the employment section within the updated SPD.
Retail	Responses requested clarification on the size of the District Centre Clarity over what community space is being provided within the District Centre.	In response to the comments the district centre section has been reviewed as part of the updated SPD to include details on the broad scale of retail floorspace to be provided and what other facilities will be within the District Centre. This includes the Secondary school and one primary school to be located within the District Centre.

Tariff	Tariff and developable area questioned as to	Since the draft SW SPD consultation national planning policy guidance has
	whether the dwellings per hectare assumptions	been updated. The amendments have introduced the preclusion of financial
	reflect would could be built in site.	formulas to be introduced and adopted by Council's within SPDs.
	CIL regulations compliance how would future shortfalls be considered and how will front loaded infrastructure be funded?	Legal advice was sought by the Council which concluded that risk of including the tariff calculation within an SPD, where the calculation is not contained within the Local Plan would potentially be unsound.
	RBC preferred option of tariff not explained in the SPD. WCC also call for a simple process of negotiations produced parallel to the SPD. Further technical clarification was sought on the tariff in terms of the nil land value assumptions, the costs included within the viability work, the developable area and housing mix assumptions which underpinned the viability work and tariff calculations.	Although the tariff can no longer be part of the SPD, it can be used to inform the S106 legal agreements and this approach is now being taken forward. Importantly the equalisation of those shared infrastructure items such as the Homestead Link will still be achieved and ultimately delivered. This is in line with the requirements of the Local Plan policies and the principles that underpin the SPD.
Appendices	There is a duplication of maps within appendix F and G. Clarity of maps the title of the map should be title masterplan rather than framework as stated in DS8 in the Local Plan.	The appendices have been reviewed and amended within the updated SPD. Further maps have been provided for clarity and the title of the document and maps includes 'masterplan'.
	Delivery and phasing is unclear particularly as to when the schools will come forward.	School delivery is set out within the Local Plan IDP this is also reflected within the updated SW SPD.
	Some guidance in the appendices could be referred to in the main document.	All guidance within the appendices are clearly signposted and referenced throughout the updated SW SPD.

Appendix A– A list of consultees who made representations

First Name	Surname	Organisation
Gary	Stephens	Marrons Planning representing L&Q Estates
Gary	Stephens	Marrons Planning representing South West Rugby Consortium (L&Q Estates, Tritax Symmetry, Taylor Wimpey UK Ltd, Richborough Estates Ltd, Warwickshire County Council Property Services).
Lois	Partridge	Sworders
Louise	Steele	Framptons
Michael	O'Connell	Wood plc
Mark	Dauncey	Pegasus
Diane	Clarke	Network Rail
Mark	English	Warwickshire Police
Andrew	Morgan	Place Partnership obo Warwickshire Police
Rebecca	McLean	Severn Trent
Lucy	Bartley	Wood obo National Grid
Richard	Timothy	Highways England
Rajvir	Bahey	Sport England
Melanie	Lindsley	Coal Authority
Yana	Burlachka	Natural England
Rosamund	Worall	Historic England
Jasbir	Kaur	Warwickshire CC
Gemma	Johnson	Barton Willmore
Jane	Allett	
Diane	Clarke	Network Rail
Roy	Bradshaw	
D	McBride	
Mark	English	Warwickshire Police
Jenny	Smith	
Gary	Williams	
С	Bradley	

David	Ollier	
Melvyn	Macartney	
Lynne	Brushett	
Robert	Collings	
John	Wright	
Anne	Gilbert	
Michael	Judge	Save Dunchurch Action Group
Chris	Worman	Rugby Borough Council
Karen	Dent	
Colin	Batchelor	
James	Leng	
Janet	Milwain	
Nick	Brooke	
Mark	Soule	
Desmond	Nutt	
Elizabeth	Satinet	
Holly	Parrott	
Claire	Brosnan	
Scott	Ballard	Rugby Borough Council
Craig	Barnes	
Richard	Basnett	
Neil	Roberts	
Lesley	Treharne-Martin	
Deborah	Gibbons	
Dr Sarah	Tonks	
Paul	Avery	
Carlos	Capelett	
Louise	Bennett	
Mo	Steer	
Gemma	Evans	

Tony	Wilkins	
John	Saunders	
Christopher	Sarson	
Adam	Sheridan	
Blanaid	Cook	
Colin	Cook	
Shirley	Hall	
Alan	Horton	
Adam	Rouledge	
Bob	Hobday	
D	Williamson	
Malcolm	Welch	
	Turner	
P	Mastrangelo	
Duncan	Harrison	
David	Brockway	
Jane	Granter	
Mick	Graham	
D.C	Brook	
Amber	Collings	
Cheryl	Turner	
Carol	Seager	
Simon	Ward	
Anthony	Mennell	
Janet	Gee-Russell	
Paul	Lepoidevin	
Lucy	Bartley	Wood on behalf of National Grid
Norman	Lines	
Steven	Holland	
Gareth	Dean	

Dr H	Allroggen	
Gillian	O'Connell	
Sally	Stephens	
Rachel	Schofield-	
	Newton	
E	Allen	
Julian	Woolley	
Greg	Winton	
Julie	Hinds	
Helen	Massie	
Simon	Dunkley	Willmott Dixon Construction LTD
Pauline	Woodcock	
Paul	Sanders	Dunchurch Allotment Association
Kathryn	Hudson	
Keith	Boardman	
Barrie	Bernand	
John	Robards	
Heather	Bradshaw	
Julia	Sanders	
D	Flavell	
Robert	Radcliffe	
Ed	Evans	
William	Fielding	
John	Branscombe	
Α	Lewis	
James	Bennett	
Edwards	Mitchell	
Frances	Bennett	
Joe	Garthwaite	
Steven	Rees	

Stuart	Jones	
John	Steele	
Ken	Lilleyman	
Sue	Winton	
Nicola	Keers	
Juliette	Crossin	
Richard	Timothy	Highways England
Keery	Jackson	
Marko	Jovic	
John	Slater	
David	Gelsthorpe-Hill	
Lee	Sutton	
Melanie	Cannell	
Brian	Bowsher	
Thomas	Smith	
Fiona	White	
Martin	White	
Jane	Clews	
Α	Barnes	
В	Cain	
David	Middleton	
Judith	Hobill	
Frances	Fuller	
Alison	Charles-Edwards	
Alan	Hughes	
Jonathan	Marlow	
David	Reid	
Р	Steer	
Will	Charlton	Newlands Development
Р	Wallis	

John	Bennett	
Geoff	Morris	
Chris	Middleton	
Pauline	McKenzie	
Tracy	Smith	
Rose	Wattam	
Jose	Mastrangelo	
Alex	Woodcock	
Matthew	Richards	
David	Giles	
Laura	Rees	
Glenys	Brazier	
Linda	Tomalin	
Steve	Jackson	
Diane	Middleton	
R	Davey	
Р	Williams	
Craig	Oakley	Rugby Borough Council
Melaine	Lindsley	Coal Authority
Richard	Howarth	
Anne	Dahmash	
Lorna	Garthwaite	
Stuart	Boulton	
Erica	Milwain	
Gemma	Burgess	Cawston Parish
Selina	Larque	
David	Cooper	
Valerie	Chapman	
Marie	Thompson	Dunchurch Parish Council
Audra	Morgan	The British Horse Society

Kent	Polley	
Lisa	Dobbin	
Stewart	Wright	
Fiona	Fitzsimons	
Lisa	Parker	
Colin	Horton	Rugby Borough Council
David	Seager	
Elizabeth	Thompson	
Kate	Aluze-Ele	
Demis	Ohandjanian	
Andrew	Larque	
Colin	Reeves	
Julie	A'Barrow	
Nicole	Hillier	Woodland Trust
Clive	Cotton	
Lee	Chase	
Brian	Coleman	
Lee	Osborne	
Jan	Elliott	
Wendy	Bannerman	
Robert	Cooper	
Christa	Pelton	
Margaret	Richards	
Rosamund	Worrall	Historic England
John	Bretherton	
Fiona	Macartney	
J	Garrett	
John	Ham	
Andrew	Jackson	
Narmada	Patel	

Peter	Eccleson	
Gina	Rowe	Warwickshire Wildlife Trust
Nicola	Holt	
Caroline	Noy	
Philippa	Belcher	
Helen	Creery	Thurlaston Parish Council
Richard	Stephens	
Stephen	Lewington	
Michael	Goode	
Jonny	Carlson	
Matthew	Hoy	
Clare	Young	
N	Glasheen	
Graham	Bevan	
Adrian	Cannell	
Julie	Monk	
Nicola	Hallam	
Hayley	Johnson	
lan	Bates	
Libby	Wojcicki	
Alex	Doubleday	
Paul	Noy	
Julie	Eastwood	
Robert	Durkin	
Richard	Allanach	

Appendix

Insert hyperlink for October consultation SPD