

Rugby Borough Local Plan Examination

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STAGE 1 HEARINGS MATTERS, ISSUES AND QUESTIONS (MIQs)

Introduction

The purpose of this independent examination of the Rugby Borough Local Plan (RBLP) is to determine whether the plan:

- has been prepared in accordance with the Duty to Co-operate and the legal and procedural requirements in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Plan) (England) Regulations 2012; and
- is sound, as defined in paragraph 182 of the NPPF.

Hearings have been arranged to enable discussion of the matters, issues and questions (MIQs) for the examination based on my initial reading of the plan, the evidence base and the representations. The hearings will take place in two stages. Stage 1 of the hearings will focus on the legal and procedural matters and the key strategic issues. Stage 2 will deal with the remaining site allocations and policy matters.

I have set out below under Matters 1 to 3, the main issues and questions for the Stage 1 hearings. Matter 1 covers questions related to legal compliance and the duty to co-operate. Matters 2 and 3 set out the questions on the soundness of the plan in relation to key parts of the development strategy, including the overall development needs of the borough and the strategic allocations.

The Stage 1 hearings are due to commence on Tuesday 23 January 2018 and are programmed to run for 2 weeks until Thursday 1 February 2018. A timetable for matters to be discussed on each day is set out in the *Stage 1 Hearings Programme*. Dates for the Stage 2 hearings will be notified in due course.

The MIQs should also be read alongside the *Examination Guidance Note* which contains information on the hearings procedure, what you will need to do if you wish to participate and the format of any hearing statements.

Abbreviations: DCLG – Department for Communities and Local Government; HMA – Housing Market Area; HRA – Habitat Regulations Assessment; LDS – Local Development Scheme; NPPF – National Planning Policy Framework; OAN – Objectively Assessed Housing Need; PPG – Planning Practice Guidance; RBLP – Rugby Borough Council Local Plan Publication Draft; SA – Sustainability Appraisal; SHMA – Strategic Housing Market Assessment; SNPP – Sub-National Population Projections

Matter 1 - Legal Compliance and Duty to Co-operate

Issue 1a: Duty to Co-operate

Questions

1. In preparing the RBLP, has the Council complied with the requirements of the Duty to Co-operate¹, with particular reference to:
 - a. The relevant strategic matters to which the duty applies as defined by S33A(4) of the Planning and Compulsory Purchase Act?
 - b. The relevant local authorities and prescribed bodies as defined by S33A(1) in terms of co-operating on these strategic matters?
 - c. Whether the Council has engaged constructively, actively and on an ongoing basis with these organisations on the relevant strategic matters?
 - d. What is the current position of Nuneaton and Bedworth Borough Council in respect of the Memoranda of Understanding on unmet needs from Coventry?
 - e. What discussions have taken place with authorities in the Greater Birmingham HMA with regard to unmet housing needs from Birmingham and how has this been resolved?

Issue 1b: Other legal and procedural requirements

Questions

1. Has consultation on the RBLP been undertaken in accordance with the Council's adopted Statement of Community Involvement (LP25) and the consultation requirements in the Regulations²?
2. Has the formulation of the RBLP been based on a sound process of sustainability appraisal (SA)? In particular:
 - a. Does the SA test the plan against reasonable alternatives, in terms of its overall strategy for growth and development, site allocations and policies?
 - b. Has the Council provided clear reasons for not selecting unreasonable alternatives?
 - c. Is it clear how the SA has influenced the RBLP strategy, policies and proposals and how mitigation measures have been taken account of?
 - d. Have the requirements for Strategic Environmental Assessment been met, including in respect of the cumulative impacts of the plan?
3. Is the Plan legally compliant with respect to the Habitats Regulations³ and any requirement for appropriate assessment? How have the findings of the Habitats Regulations Assessment Screening Report (LP40) influenced the RBLP?
4. Does the RBLP, taken as a whole, include policies designed to ensure that the development and use of land in Rugby borough contributes to the mitigation of, and adaptation to, climate change in accordance with Regulations⁴?

¹ Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended)

² Regulations 18 and 19 of Town and Country Planning (Local Planning) (England) Regulations 2012

³ Conservation of Habitats and Species Regulations 2010 (as amended)

⁴ Section 19(A) of the Planning and Compulsory Purchase Act 2004 (as amended)

5. Do the content and timescale for the preparation of the RBLP accord with the Council's latest Local Development Scheme? Are there any obvious omissions, in terms of policies, from the submitted plan?
6. Has the preparation of the SDLPP2 complied with Part 2 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Plan) (England) Regulations 2012 in all other respects?

Matter 2 – Overall Development Needs

(Covers Policy DS1)

Issue 2a: Housing Needs

Questions:

1. Has the RBLP has been positively prepared and is it justified, effective and consistent with national policy in relation to its proposal to provide for 12,400 additional dwellings between 2011 and 2031? In particular:
 - a. Do the 2015 SHMA and the report on the Coventry-Warwickshire HMA 2014-based Subnational Population and Household Projections (August 2016 update) provide a robust evidence base for OAN in individual authorities within the HMA and is the methodology appropriate?
 - b. The 2016-based National Population Projections were published by ONS in October 2017. What bearing, if any, do these have on the demographic basis for Rugby's OAN?
 - c. Is the SHMA and the August 2016 update justified in relying upon a 5/6 year migration trend as applied in the SNPPs, or should Rugby's household forecast for 2011-2031 be adjusted to take account of a longer term 10 year migration trend?
 - d. What assumptions have been made regarding household formation rates and are these justified?
 - e. Is the figure which the SHMA and the August 2016 update arrives at for the demographic-based housing need appropriate? What would alternative assumptions for demographic change suggest and is there a justification to use these?
 - f. Are the assumptions about economic and employment growth in the SHMA and the August 2016 update justified and robust in relation to the range of job growth forecasts available? Do they provide a reliable basis for not increasing the demographic-based housing need for Rugby?
 - g. Is an uplift of 3% in the demographic-based housing need for Rugby an appropriate and justified response to the evidence on market signals and affordable housing need?
 - h. Are the figures in the 2015 SHMA and the August 2016 update for OAN in the HMA and in Rugby appropriate? Is there a basis to arrive at alternative figures?
 - i. Is the basis for the distribution of Coventry's unmet housing needs set out in the Memorandum of Understanding (MoU) positively prepared and

justified as the most appropriate strategy? Does this deal effectively with the issue?

- j. In terms of Birmingham's unmet housing needs, to what extent does the overlap between the Greater Birmingham and Coventry-Warwickshire HMAs affect housing provision in Rugby? How should it be taken into account in assessing Rugby's housing requirement and if so what would be the mechanism and timescale for calculating a redistribution?
2. Should the amount of housing proposed for Rugby (12,400 dwellings) be increased or decreased? If so to what level and on what basis? Should Policy DS1 state that 12,400 dwellings is a minimum?
3. Is the RBLP justified and consistent with national policy in stepping the annual housing requirement at 540 dwellings per annum (dpa) from 2011-2018 and 663 dpa for the period 2018-2031? Should this be expressed in a policy?

Issue 2b: Employment Land

Questions:

1. Has the RBLP been positively prepared and is it justified, effective and consistent with national policy in relation to its proposal to provide 110 hectares of employment land between 2011 and 2031? In particular:
 - a. What is the basis for the 110 ha of employment land planned for in Policy DS1? Is it justified in the light of available labour demand and supply forecasts for the plan period?
 - b. How does it relate to the jobs growth estimates used to inform the overall level of housing provision proposed in the plan? What is the relationship between housing and employment land provision?
 - c. How does the planned level of provision compare with past and recent take up rates for employment land in the borough of Rugby? Are the remaining commitments and allocations sufficient to meet the likely future demand for B Use Class floorspace in the borough?
2. To what extent does the planned provision assist in meeting the sub-regional employment land requirements of the Coventry and Warwickshire functional economic market area, including:
 - a. The shortfall in Coventry's employment land supply for the period 2011-2031?
 - b. The need for further strategic employment sites to support the economic growth ambitions contained in the Coventry and Warwickshire LEP Strategic Economic Plan?

Matter 3 – Development Strategy

(Deals with strategic aspects of Policies GP2, DS3-DS10 and ED1)

Issue 3a: Overall Development Strategy

Questions

1. Has the overall development strategy of the RBLP been positively prepared, is it justified as the most appropriate strategy, effective in terms of cross-boundary strategic priorities and will it enable the delivery of sustainable development in accordance with national policy? In particular:
 - a. Is the settlement hierarchy set out in Policy GP2 justified and consistent with national policy?
 - b. How does Policy GP2 deal with development opportunities and pressures arising on the urban edges of Coventry and Hinckley along the borough boundary? Is this justified and would it be effective?
 - c. What is the basis for the overall development strategy contained in Policies GP2, DS3 and DS4 of the RBLP, in terms of the broad location and spatial distribution of development between different settlements and parts of the borough?
 - d. Is it justified as the most appropriate development strategy, when considered against the reasonable alternatives? What alternative strategies were considered by the Council in terms of the options for the broad location and spatial distribution of development and why were these discounted?
 - e. Is the reliance on large scale development through extensions to Rugby and a new settlement justified as the most appropriate way of achieving sustainable development, the supply of new homes and the economic growth of the area? If not, what are the alternatives?
 - f. Does the development strategy provide for the unmet housing and employment land requirements of Coventry in a way which is reasonable to do so and consistent with achieving sustainable development?
 - g. Is the selection of Lodge Farm justified as the most appropriate location for a new settlement in preference to the preferred option site at Walsgrave Hill Farm or other options? What is the evidence to support this?
 - h. Taking the latest Housing Trajectory in Appendix 2 of the RBLP, what is the justification for providing for 15,369 dwellings over the plan period 2011-31 against a housing requirement of 12,400 dwellings?
 - i. Is there capacity in the local housing market and housebuilding industry to support the scale and rate of housing growth committed and planned on the south side of Rugby?
 - j. To what extent do the proposed allocations in Policy DS4 and the available supply at existing employment sites identified in Policy ED1 provide for the long term strategic and local employment land requirements of the borough and the wider sub-region, in terms of location, quality and quantity?
 - k. Is there a need to consider additional allocations of employment land at Ansty and Ryton Prologis Park, given their role as sub-regional employment sites and the limited remaining supply of undeveloped land at both sites?

Issue 3b: Strategic Allocations - South West Rugby (Policies DS5, DS8 and DS9)

Questions

1. Is the strategic allocation at South West Rugby positively prepared, justified, effective and consistent with national policy? In particular:
 - a. What is the current planning status of the site? What site specific assessments have been carried out to underpin Policy DS8 and the draft masterplan, to determine the mix of uses proposed, the impacts of the development and the deliverability of the site and its infrastructure and facilities? What is the status of the masterplan SPD?
 - b. What is the likely impact of the proposed development of the site on the following and what measures are proposed to mitigate those impacts?
 - ecology, biodiversity and green infrastructure
 - landscape quality and character
 - agricultural land
 - heritage assets
 - strategic and local transport infrastructure
 - air and water quality and noise pollution
 - flood risk
 - c. How would the development mitigate the impacts of additional traffic generation on Dunchurch village and the surrounding roads and maximise the use of sustainable modes of travel?
 - d. How would the development of the site and its associated infrastructure be phased to ensure the delivery of a mixed use, sustainable development in line with the Housing Trajectory and employment land requirements? What safeguards would there be to secure the provision of infrastructure when it is required?
 - e. Given that the site is in multiple ownership, what mechanisms are proposed to ensure the comprehensive delivery of the overall development and its associated infrastructure in line with the masterplan and Policies DS5 and DS8?
 - f. What are the overall infrastructure costs, including the South West Rugby spine road? What evidence is there that the development would be viable taking into account these and other policy costs, including affordable housing? If not viable, how would the necessary infrastructure be funded to ensure the delivery of the development in line with the requirements of Policies DS8 and DS9?
 - g. What site preparation and infrastructure works are required to address physical constraints and open up the site for development? Is it realistic to expect the delivery of the first houses in 2020/21?
2. Will Policies DS5, DS8 and DS9, as proposed to be modified, be effective in securing the delivery of sustainable development at South West Rugby through the planning process? Do they contain the necessary safeguards and requirements to ensure the impacts of the development are appropriately mitigated?

Issue 3b: Strategic Allocations - Lodge Farm (Policies DS5 and DS10)

Questions

1. Is the strategic allocation at Lodge Farm positively prepared, justified, effective and consistent with national policy? In particular:
 - a. How was the site at Lodge Farm selected as the most suitable location for a new village? Has the selection of this site been adequately justified against alternative locations within or outside of the Green Belt?
 - b. What is the current planning status of the site? What site specific assessments have been carried out to underpin Policy DS10 and determine the mix of uses proposed, the impacts of the development and the deliverability of the site, its infrastructure and facilities?
 - c. What is the likely impact of the proposed development of the site on the following and what measures are proposed to adequately mitigate those impacts?
 - ecology, biodiversity and green infrastructure
 - landscape quality and character
 - agricultural land
 - heritage assets
 - strategic and local transport infrastructure
 - air and water quality and noise pollution
 - flood risk
 - d. How would the development mitigate the impacts of additional traffic generation on the local roads and maximise the use of sustainable modes of travel? What evidence is there that the development could viably support the provision of a direct public transport link between Rugby and Daventry as required in Policy DS10? What would be the nature and frequency of the services?
 - e. Where would the nearest secondary school be located and how would future residents of the village travel to it?
 - f. Should provision be made for employment development as part of the mix of uses on the site to make the development sustainable?
 - g. What are the overall infrastructure costs of the development, including the contribution to the South West Rugby spine road? What evidence is there that the development would be viable taking into account these and other policy costs, including affordable housing? If not viable, how would the necessary infrastructure be funded to ensure the delivery of the development in line with the requirements of Policy DS10?
 - h. What mechanisms are proposed to ensure the comprehensive delivery of the overall development and its associated infrastructure in line with Policies DS5 and Policy DS10?
 - i. What market evidence is there to support the delivery and development of 80 dwellings a year from 2023/24 onwards in a new rural location, particularly given the site's proximity to the other main house building outlets in the borough at South West Rugby and Rugby Radio Station?

- j. What site preparation and infrastructure works are required to open up the site for development? Is it realistic to expect the delivery of the first houses in 2022/23?
2. Will Policies DS5 and DS10, as proposed to be modified, be effective in securing the delivery of sustainable development at Lodge Farm through the planning process? Do they contain all of the necessary safeguards and requirements to ensure the impacts of the development are appropriately mitigated?

Issue 3b: Strategic Allocations - Coton Park East (Policies DS5 and DS7)

Questions

1. Is the strategic allocation at Coton Park East positively prepared, justified, effective and consistent with national policy? In particular:
 - a. What is the current planning status of the site? What site specific assessments have been carried out to underpin Policy DS7 and determine the mix of uses proposed, the impacts of the development and the deliverability of the site, its infrastructure and facilities?
 - b. What is the likely impact of the proposed development of this site on the following and what measures are proposed to mitigate those impacts?
 - ecology, biodiversity and green infrastructure
 - landscape quality and character
 - agricultural land
 - heritage assets
 - strategic and local transport infrastructure
 - air and water quality and noise pollution
 - flood risk
 - c. Is there a justification for additional employment land to be allocated at the site, over and above the 7.5 ha included in Policies DS4 and DS7, to meet overall needs or to support sustainable development?
 - d. How would the development of the site and its associated infrastructure be phased to ensure the delivery of a mixed use, sustainable development in line with the Housing Trajectory? What safeguards would there be to secure the provision of infrastructure when it is required?
 - e. What mechanisms are proposed to ensure the comprehensive delivery of the overall development and its associated infrastructure in line with Policies DS5 and DS7?
 - f. What are the overall infrastructure costs? What evidence is there that the development would be viable taking into account these and other policy costs, including affordable housing?
 - g. What site preparation and infrastructure works are required to address any physical constraints and open up the site for development? Is it realistic to expect the delivery of the first houses in 2020/21?
2. Will Policies DS5 and DS7, as proposed to be modified, be effective in securing the delivery of sustainable development at Coton Park East through the planning process? Do they contain the necessary safeguards and requirements to ensure the impacts of the development are appropriately mitigated?