



The Planning Inspectorate

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# **Report to Rugby Borough Council**

**by Mike Hayden BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 27 March 2019**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Rugby Borough Local Plan 2011-2031**

The Plan was submitted for examination on 14 July 2017

The examination hearings were held between 23 January-1 February and 17-26 April 2018

File Ref: PINS/E3715/429/5

## Abbreviations used in this report

AA	Appropriate Assessment
AMP7	Asset Management Plan 7
AQMA	Air Quality Management Area
BREEAM	Building Research Establishment Environmental Assessment Method
CPE	Coton Park East
CWLEP	Coventry and Warwickshire Local Enterprise Partnership
DtC	Duty to Co-operate
ELS	Employment Land Study
ELMoU	Employment Land Memorandum of Understanding
FEMA	Functional economic market area
FIT	Fields in Trust
FRA	Flood Risk Assessment
FTE	Full-time equivalent
GI	Green Infrastructure
GTAA	Gypsy and Traveller Accommodation Assessment
HBP	Housing Background Paper
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LEA	Local Education Authority
LNR	Local Nature Reserve
LP	Local Plan
LPA	Local Planning Authority
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
MRS	Main Rural Settlement
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PSA	Primary Shopping Area
PTA	Public Transport Authority
RIS	Roads Investment Strategy
RMTCUS	Retail and Main Town Centre Uses Study
RRS	Rugby Radio Station
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SoCG	Statement of Common Ground
SEP	Strategic Economic Plan
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
STA	Strategic Transport Assessment
STS	Sustainable Transport Strategy
SUE	Sustainable Urban Extension
SWR	South West Rugby
TCB	Town Centre Boundary
TS	Transport Statement
WHF	Walsgrave Hill Farm
WMS	Written Ministerial Statement

## Non-Technical Summary

This report concludes that the Rugby Borough Local Plan 2011-2031 provides an appropriate basis for the planning of the Borough, provided that a number of main modifications (MMs) are made to it. Rugby Borough Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings or were proposed by the Council. Following the hearings, the Council prepared a schedule of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over an eight-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Changes to Policy GP1 on Securing Sustainable Development to ensure it is consistent with national policy;
- The deletion of housing allocations at Brinklow (DS3.7) and Coton House (DS3.1) due to their impacts on heritage and landscape and their conflict with national policy on the Green Belt and sustainable travel respectively;
- An increase in the number of dwellings to be provided on the housing allocations at Binley Woods (DS.6) and Long Lawford (DS3.8);
- Modification of Policy DS7 for the strategic allocation at Coton Park East to safeguard a site for a new secondary school for the north of Rugby if capacity cannot be created through the expansion of existing schools;
- Amendments to Policy DS8 for the strategic allocation at South West Rugby to prevent the coalescence of Rugby and Dunchurch, and to ensure effective mitigation of impacts on green infrastructure, ancient woodland, the wider landscape and the setting of Thurlaston Conservation Area;
- Changes to Policy DS9 for the South West Rugby Spine Road to ensure the effective mitigation of transport impacts, particularly at Dunchurch Crossroads;
- Deletion of the allocation for a new Main Rural Settlement at Lodge Farm due to its harm to the countryside and poor accessibility by sustainable transport modes;
- Amendments to Policy DS2 on Sites for Gypsy, Travellers and Travelling Showpeople and its reasoned justification to ensure the Plan is positively prepared in seeking to meet the needs of the travelling community;
- Changes to Policy ED1 to ensure the Plan is consistent with national policy for the protection of employment land and redevelopment of existing major sites in the Green Belt;
- A range of other alterations to the Plan's policies to ensure it is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the Rugby Borough Local Plan 2011-2031 (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised NPPF was published in July 2018 and was updated in February 2019. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Likewise where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to July 2018.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Rugby Borough Local Plan – 2011-2031, Publication Draft, September 2016, submitted in July 2017 is the basis for my examination. It is the same document as was published for consultation in September 2016.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MMs schedule was subject to public consultation for eight weeks. I have taken account of the consultation responses in coming to my conclusions in this report. In the light of this, I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have drawn attention to these amendments in the report.

## Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Submission

Proposals Maps, including the consultation version of the Town Centre, Urban and Rural Proposals Maps and a number of inset maps showing the changes from the existing adopted Proposals Map.

7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. These further changes, together with some corrections to the policies map previously shown in error, were published for consultation alongside the MMs (titled Schedule of Modifications to Policies Maps).
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Submission Proposals Maps and the modifications to the Policies Maps published alongside the MMs incorporating any necessary amendments identified in this report.

## **Assessment of Duty to Co-operate**

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. Section 33A requires that in preparing the Plan, the Council must engage constructively, actively and on an on-going basis with bodies prescribed in Regulation 4 of the Town and Country Planning (Local Plans) (England) Regulations 2012, on strategic matters. 'Strategic matters' are defined as sustainable development which would have a significant impact on at least two local planning authority areas or which is a county matter, for example education or transport in a two-tier local authority area.
10. The Council has submitted a Duty to Co-operate (DtC) Statement of Compliance<sup>1</sup> which details the extent of co-operation and joint working on housing, employment, infrastructure and other strategic matters. The Council is a member of the Coventry and Warwickshire Joint Committee for Economic Growth and Prosperity (Joint Committee), which was established in 2014. The Joint Committee comprises the leaders of the six local planning authorities (LPAs) in Coventry and Warwickshire, together with the leaders of Warwickshire County Council and Hinckley and Bosworth Borough Council. It co-ordinates joint working with the Coventry and Warwickshire Local Enterprise Partnership (CWLEP), one of the prescribed bodies, on economic prosperity and the Strategic Economic Plan (SEP), and oversees duty to co-operate activities on local plans.
11. The Coventry and Warwickshire area forms an appropriate functional economic geography and housing market area (HMA) for the purposes of cross-boundary joint working. 85% of people live and work within this sub-region. The co-operative working arrangements co-ordinated through the Joint Committee have produced a joint evidence base for the Coventry and Warwickshire area, including a joint Strategic Housing Market Assessment (SHMA) and employment land studies, which have informed the Plan. These have culminated in Memoranda of Understanding (MoU), signed by all of the Councils within the HMA, defining the distribution of housing and employment land requirements across Coventry and Warwickshire, including an agreed apportionment of Coventry's unmet housing and employment land needs.

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<sup>1</sup> Submission document LP05

12. The current joint working does not extend to a joint spatial strategy for the Coventry and Warwickshire sub-region to define the location of development. Although the Joint Committee has discussed options for a single spatial strategy, it has agreed that this should await the progression of the current round of local plans through examination. The merits of different spatial approaches to the distribution of housing were assessed as part of the work leading to the Housing MoU. However, an important principle underpinning the MoUs set out in the report considered by the Joint Committee at the time it agreed the Housing MoU is that the 'sovereignty' of each Council to prepare a local plan according to a locally derived spatial strategy must be adhered to.
13. Concerns were expressed in written representations and at the hearings over whether the duty to co-operate has been met in respect of the Plan's spatial strategy for the location of the borough's share of Coventry's unmet housing needs. This includes whether the duty was satisfied over the Council's decision not to include the Walsgrave Hill Farm site on the edge of Coventry within the publication version of the Plan, having identified it as a growth option in the preferred option version of the Plan in December 2015. However, although Coventry City Council has questioned the justification for that decision and expressed concerns about the treatment of the urban edge of Coventry as a location for sustainable development in the Plan, it has confirmed in its representations and hearing statements that the Borough Council has discharged its responsibilities under the duty to co-operate. The Borough Council provided evidence of the discussions which took place with the City Council, Highways England and the promoters of the Walsgrave Hill Farm site over the decision not to include the site in the submitted Plan. Based on the evidence available I am satisfied that there has not been a failure of the duty on the part of the Borough Council on this issue. I consider the soundness of the overall spatial strategy with regard to Coventry's unmet needs as part of my assessment of soundness below.
14. Representations also raised questions over whether the DtC has been met in respect of unmet housing needs arising from Birmingham City. However, this is a matter to be addressed first within the Greater Birmingham HMA. It is the subject of ongoing work amongst the local planning authorities within Greater Birmingham. Rugby is not part of the Greater Birmingham HMA and in preparing the plan the Council was not approached by Birmingham City Council with regard to its unmet housing needs. Therefore, it would be unreasonable to regard this as a strategic matter for Rugby to address under the DtC for the purposes of this plan and examination.
15. The DtC Statement of Compliance confirms that the Borough Council has worked together with Warwickshire County Council on the full range of county matters. These include the planning and delivery of infrastructure for education, transport, libraries, public health, emergency services and adult care, and waste and minerals planning. The evidence base and infrastructure delivery plan (IDP)<sup>2</sup> support this and demonstrate engagement with other prescribed bodies responsible for transport infrastructure, healthcare and emergency services.
16. The joint evidence base on flood risk, water resources, renewable energy and green infrastructure demonstrates that the Council has worked collaboratively within the sub-region and with the relevant prescribed bodies on these strategic

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<sup>2</sup> Appendix 3 to the submitted Plan

matters. Representations from both Natural England and Historic England point to ongoing and active engagement with the appropriate prescribed bodies on the natural and historic environment in the borough.

17. The Council also confirms that it has co-operated with Northamptonshire County Council and Daventry District Council in respect of cross-boundary strategic matters affected by the proposed allocation of a new settlement at Lodge Farm. None of the surrounding local authorities or those within the HMA, or any of the prescribed bodies with which the Council has a DtC, have raised objections to the Plan on grounds of a failure to comply with the duty.
18. Overall I am satisfied from the evidence and representations submitted that on all strategic matters the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan. The DtC has therefore been met.

## **Assessment of Soundness**

### **Main Issues**

19. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified fourteen main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

### **Issue 1 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in relation to the overall provision for housing in Policy DS1?**

#### *Background*

20. Policy DS1 of the Plan sets an overall requirement for 12,400 additional dwellings in Rugby borough between 2011 and 2031 (the plan period). This comprises two elements - 9,600 dwellings or 480 dwellings per annum (dpa) to meet needs arising within Rugby borough and 2,800 dwellings (140 dpa) to address needs arising in Coventry, which cannot be met within the boundaries of the city's administrative area.
21. The Council's evidence base to support this requirement comprises three main reports. Firstly, a joint Updated Assessment of Housing Need for the Coventry-Warwickshire Housing Market Area, dated September 2015<sup>3</sup> (2015 SHMA), which relies on the 2012-based subnational population projections (SNPP) published by the Office for National Statistics (ONS) and 2012-based household projections published by the former Department for Communities and Local Government (CLG). This updates a joint SHMA from 2013. Secondly, a report for the Coventry-Warwickshire HMA on the 2014-based Subnational Population and Household Projections, dated August 2016<sup>4</sup> (2016 SHMA update), which updates the 2015 SHMA to take account of the 2014-based SNPP and CLG household projections and the 2015 mid-year estimate (MYE). And thirdly, a MoU between the seven local authorities making up the Coventry-Warwickshire HMA relating to the distribution of housing provision within the HMA, which forms Appendix 1 to the Council's Duty to Co-operate Statement of Compliance discussed above (the Housing MoU).

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<sup>3</sup> Submission document LP08

<sup>4</sup> Submission document LP09

22. I have established above that the Coventry and Warwickshire area forms an appropriate HMA for the purposes of joint working for the submitted Plan. This joint housing evidence base for Coventry and Warwickshire has been tested at other local plan examinations within the HMA, in particular for the Warwick and Coventry local plans, and found to provide an up to date and robust assessment of housing needs and a justified basis for the distribution of housing within the HMA. Nevertheless, I consider below the appropriateness of its findings for the need for housing in Rugby, in the light of the most recent 2016-based household projections published by the ONS in September 2018 and other evidence on this matter submitted in representations and discussed at the hearings.

*Objectively Assessed Need for New Housing in Rugby*

23. Paragraph 47 of the NPPF expects LPAs to meet the full, objectively assessed needs for market and affordable housing in the HMA. The PPG<sup>5</sup> sets out the approach to assessing the need for housing, which applies for the purposes of this examination under the transitional arrangements. It confirms that the starting point is the latest CLG household projections, with adjustments made as appropriate for local variations in migration and household formation, employment trends and market signals relating to affordability. The 2015 SHMA and 2016 update are consistent with this approach.
24. In terms of the demographic starting point, the submitted Plan has based its housing requirement on an analysis of the 2012-based and 2014-based SNPP and CLG household projections. The 2012-based projections support a need for 464 dpa in Rugby to meet the growth in households over the plan period, including a 3% allowance for vacant and second homes. The 2014-based projections forecast a slight reduction in the rate of household growth across the HMA from 2011-2031 compared to the 2012-based projections, due to lower household formation rates. For Rugby this would result in a 6% reduction in the demographic basis for the OAN to 436 dpa over the plan period. However, for the HMA the difference is only 1% from 4,197 dpa in the 2012-based projections to 4,167 dpa in the 2014-based projections. The variance is explained by a forecast increase in the rate of household growth in Coventry and a decrease across the Warwickshire districts. However, given the MoU agreement that districts accommodate a share of Coventry's unmet housing needs, the 2016 SHMA update concludes there is no demographic basis to plan for a lower housing requirement than indicated in the 2012-based projections. Accordingly, the Plan takes 464 dpa as the demographic starting point for OAN in Rugby for 2011-2031.
25. Concerns have been expressed in representations about the justification for continuing to base Rugby's housing requirement on 2012- and 2014-based demographic projections, when the most recent 2016-based projections indicate a slowing down of population and household growth over the next 10-15 years. This was also discussed at the hearings. Since then, the ONS has published the 2016-based household projections in September 2018. These forecast a reduction in the rate of household formation nationally in the period up to 2028 and, for Rugby, lower population and household growth than the 2012- and 2014-based projections.

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<sup>5</sup> ID:2a-014-20140306 to 2a-029-20140306



26. However, the Government expressed doubts about relying on the 2016-based projections as the demographic basis for assessing housing needs in the Technical Consultation on Updates to National Planning Policy and Guidance launched in October 2018<sup>6</sup>. This is in part due to the 2016-based projections relying on past trends in household formation during a period of low household formation when the housing market was not supplying enough additional homes. The ONS states in the consultation document that the projections do not take account of how many people may want to form new households, but aren't able to, and therefore that they are not a measure of how many homes would need to be built to meet housing demand; rather they show what would happen if past trends in household formation continue. For these and other reasons, the updated PPG for Housing Needs Assessments<sup>7</sup> published in February 2019 now makes clear that the 2014-based household projections form the baseline for the standard method of calculating housing needs.
27. Taking account of the 2016-based projections as part of this examination would also require a further update of the SHMA, which, given the sub-regional nature of the HMA, would need to be conducted on a joint basis for all of the LPAs in Coventry and Warwickshire. This would inevitably take time, resulting in a significant delay in the adoption of the Plan and the delivery of new housing in the borough. And there is no guarantee that an update to the SHMA using the 2016-based projections would lead to a significant change in the housing requirement for Rugby, when other factors affecting the housing requirement across the HMA are taken into account. For all of these reasons, I conclude that using the 2016-based household projections as the demographic starting point for Rugby's OAN and housing requirement would not be justified for this Plan.
28. With regard to the assumptions for migration, the 2012- and 2014-based ONS and CLG projections are based on a 5/6 year migration trend. I note the arguments for use of a longer term 10-year migration trend in ironing out the effects of peaks and troughs in the economic cycle on the movement of people. The 2015 SHMA and 2016 update consider projections based on 10 year migration trends as part of a range of sensitivity analysis, but conclude that they are not a consistently reliable alternative to the SNPP<sup>8</sup>. The projection assuming a constant 10 year migration trend is unreliable as it does not take account of changing population structure, which the SNPP does, and the variable 10 year migration trend is inconsistent across the HMA, influenced in part by housing restraint in certain districts. Both the Warwick and Coventry local plan examination reports have found insufficient basis to depart from the SNPPs in respect of migration. In my view, it is important that a consistent approach is taken to migration assumptions across the HMA.
29. I have considered the alternative evidence presented by interested parties in respect of the migration component of household change in the HMA. This includes research presented by the Campaign for the Protection of Rural England (CPRE) arguing there is an overestimate in the ONS projections for international migration in Coventry due to rapid student growth in 2006-2012<sup>9</sup> and pointing to the effects this may have had on the SNPPs and housing requirements for the

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<sup>6</sup> Ministry of Housing, Communities and Local Government ISBN: 978-1-4098-5346-6

<sup>7</sup> PPG Paragraph: 005 Reference ID: 2a-005-20190220

<sup>8</sup> Paragraph 3.66 in document LP08

<sup>9</sup> Research by Piers Elias and Greg Ball presented as part of CPRE's hearing statements

HMA. However, this issue was considered fully in the Coventry Local Plan examination and the Inspector's report concluded there is no clear evidence of an under-recording of the out-migration of international students. I acknowledge that the CPRE research post-dates the Coventry Local Plan report, but I do not find it provides convincing evidence that the ONS figures are unreliable on this point. It is also important to note that the ONS made downward adjustments to the mid-year estimates of population growth within the HMA for the period 2001-2011, known as the 'unattributable population change' (UPC), which in part would have addressed inaccuracies in the recording of migration during that period. Furthermore, improvements have been introduced by the ONS to migration estimates particularly from 2006 forwards and the 2012- and 2104-based SNPPs are based on data from 2006/7 onwards.

30. The 2015 SHMA and 2016 update nevertheless include sensitivity projections alongside the SNPP figures to test for scenarios in which the UPC can be attributed in full to the recording of migration. The overall conclusion of the SHMA reports arising from the range of sensitivity scenarios tested is that the SNPPs remain a sound demographic basis for establishing future housing need. I have seen little convincing evidence to persuade me otherwise in respect of the HMA as a whole and the projections for Rugby. Therefore, I find that the figure of 464 dpa, identified in the 2015 SHMA, provides a robustly justified demographic starting point for an OAN for Rugby for the period 2011-2031.
31. The PPG<sup>10</sup> expects that housing assessments should take account of employment trends, in particular the likely change in job numbers in the area having regard to the projected growth in the working age population, to establish whether an uplift in OAN from the demographic starting point is required to support predicted economic growth. Forecasting employment growth is notoriously difficult, illustrated by the range of job growth estimates from the Experian and Cambridge Econometrics (CE) forecasting houses and the changes in estimates over time presented in the evidence presented to the examination.
32. The SEP for Coventry and Warwickshire refers to growth of 94,500 additional jobs across the HMA by 2031, which would be in line with the most recent 2015 forecast from Experian. However, it also envisages population growth of 203,000 in the HMA up to 2031 to support this, which is significantly above the 2014-based SNPP of 152,320 for Coventry and Warwickshire for 2011-2031. It must be borne in mind that the SEP is, understandably, ambitious and aspirational.
33. On the other hand, the latest CE forecast for 2015 predicts a growth in jobs of around 48,200 for the HMA from 2014-2031 and 4,800 in Rugby over the same period (approximately 63,800 for the HMA and 8,600 in Rugby for the full plan period 2011-2031 when growth from 2011-14 is added)<sup>11</sup>. Applying reasonable assumptions for commuting levels, double-jobbing and employment rates, the evidence indicates this would require around 3,730 additional dpa for the HMA and 425 additional dpa in Rugby<sup>12</sup> to provide the labour force necessary to support this level of jobs growth. This is below the demographic starting point for housing need in Rugby of 464 dpa. As a trend-based sense check, the 2014-based SNPP predicts a growth in the resident work force of around 61,600 in the

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<sup>10</sup> ID: 2a-018-20140306

<sup>11</sup> Paragraph 4.64 and Table 29 of document LP08

<sup>12</sup> Table 28 of document LP08

HMA and 6,000 in Rugby in the 2014-31 period, which would be sufficient to support 67,000 jobs in the HMA and 5,900 in Rugby<sup>13</sup>, well above the jobs growth predicted in the 2015 CE forecast. This indicates that there is no real justification for increasing the OAN above the demographic need in Rugby in order to meet the economic and employment growth that might reasonably expected to occur over the Plan period.

34. The PPG<sup>14</sup> also expects that the assessment of housing need should take account of market signals, in particular where these indicate a worsening level of affordability in the local housing market, which an uplift in the housing requirement might help to address. The 2015 SHMA considers changes in house prices, rents and the affordability ratio of house prices to earnings. The picture in Rugby is mixed. Following the decline in house prices after 2007, there has been some growth in rents since 2011 and in median house prices from 2012-2014. However, the lower quartile affordability ratio in Rugby remains below the national and HMA average<sup>15</sup> and although it has increased from 2008, there is evidence it has levelled off since 2011<sup>16</sup>. A range of figures were put forward in representations and at the hearings suggesting uplifts of 15-25% are needed to address affordability, in part by reference to the standard methodology. Although the standard method is now in national guidance following the publication of the revised NPPF, the 2012 NPPF and previous versions of the PPG apply for this examination. Overall the evidence on market signals does not of itself justify an upwards adjustment to the OAN to address affordability.
35. However, the SHMA 2015 identifies some concern in relation to the suppression of household formation in the past, particularly in the period between 2001-2007 when lower quartile affordability worsened significantly in the borough and other parts of the HMA. This resulted in a decline in household formation in the 25-34 age group. Accordingly, the 2015 SHMA proposes an adjustment to the demographic starting point of the OAN to assist in returning household formation rates to 2001 levels by the end of the plan period in 2031 and thereby help to address historic affordability. For Rugby it proposes an increase of 16 dpa, which equates to a 3% uplift from the demographic starting point, taking the overall OAN to 480 dpa. The 2016 update provides a similar analysis for the 2014-based household projections, which already build in some improvements to household formation rates in the 25-34 age group. It proposes an adjustment of 12 additional dpa to return rates to 2001 levels, bringing the OAN for Rugby based on the 2014-based demographic starting point to 448 dpa. However, as I have indicated above, the 2016 SHMA update concludes, taking a view across the HMA as a whole, that there is no demographic basis to plan for a lower housing requirement than indicated in the 2012-based projections.
36. There is significant need for affordable housing in Rugby of 171 dpa, which represents 37% of demographic need<sup>17</sup>. The submitted Plan sets a target of 30% affordable housing on greenfield land which represents a large proportion of its proposed housing supply. It also supports rural exception sites. On this basis, therefore, there is good reason to expect that the Plan can deliver close to

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<sup>13</sup> Figure 7.1 of document LP09

<sup>14</sup> ID: 2a-020-20140306

<sup>15</sup> Figure 46 of document LP08

<sup>16</sup> Figure 47 of document LP08

<sup>17</sup> Table 50 of document LP08

its affordable housing requirement without a further uplift the OAN. But this adds to the evidence supporting an OAN for Rugby at 480 dpa rather than the lower figure of 448 dpa contained in the 2016 SHMA update.

37. Taking all of the available evidence into account, I am satisfied that the 2015 SHMA and the 2016 update provide an up to date and robust assessment of housing needs for Rugby. Accordingly, I conclude that an OAN of 9,600 dwellings (480 dpa) for Rugby for the period 2011-2031 is justified and consistent with national policy.

#### *Unmet needs of Coventry and Birmingham*

38. There is full agreement amongst the LPAs in the Coventry and Warwickshire HMA, set out in the Housing MoU, that Coventry City Council is unable to meet its full OAN for housing, with a shortfall of 17,800 dwellings from 2011-2031. The NPPF requires that for plans to be positively prepared and therefore sound, they should meet OAN, including the unmet requirements from neighbouring authorities where it is reasonable to do so. The Housing MoU sets out a methodology for redistributing that housing across the HMA, based on a well-reasoned analysis of the functional relationships between authorities in terms of commuting flows and migration. It also recognises that increases in the OAN for North Warwickshire, Nuneaton and Bedworth and Stratford-on-Avon to address economic growth incorporate an element of redistribution. Rugby's agreed share of Coventry's unmet need is 2,800 dwellings over the Plan period, which the submitted Plan provides for.
39. I have had regard to the research, referenced above, which argues that Coventry does not have an unmet need for housing, on the basis that its OAN is exaggerated potentially by up to 23,000 dwellings due to overestimates in the ONS projections for net migration into Coventry. However, I have not found that it provides convincing evidence that the ONS figures are unreliable. I am therefore satisfied that the addition of 2,800 dwellings over and above the OAN for Rugby to help address Coventry's unmet needs is justified and will ensure the Plan is positively prepared and consistent with national policy in respect of its housing requirement.
40. Some have argued that the submitted Plan should also address the issue of unmet housing needs from Birmingham. Whilst there is overlap between the Coventry and Warwickshire HMA and the Greater Birmingham HMA, this affects Stratford on Avon and North Warwickshire. Rugby Borough is not part of the Greater Birmingham HMA. The Council has not been approached by Birmingham City Council with regard to its unmet needs and the evidence does not indicate Rugby should accommodate such needs. Consequently, there is no justification for any further increase to Rugby's housing requirement to address unmet needs from elsewhere. For the same reason there is no need for a policy allowing for any other unmet needs to be addressed through a future review of the Plan.

#### *Housing requirement for Rugby*

41. Therefore, I conclude that the overall provision for housing in Policy DS1 of 12,400 dwellings for the period 2011-2031 is sufficient to meet the OAN for housing in Rugby and the agreed contribution to the unmet needs of Coventry. As such the Plan is positively prepared, justified and consistent with national policy in respect of its overall housing provision.

42. The Plan proposes to step the annual requirement over the plan period with a target of 540 dpa from 2011 until the adoption date of the Plan, assumed at publication to be during 2017, and from there a target of 654 dpa until the end of the plan period in 2031. This is on the basis that the Core Strategy, adopted in 2011, set an annual target of 540 dpa for the period up to 2026, which would be sufficient to meet the OAN for Rugby of 480 dpa. The uplift in the annual requirement is necessary to address the unmet needs of Coventry, which has been identified in the light of the joint work undertaken with other authorities across the HMA in the preparation of the submitted Plan. Therefore, it would be unreasonable to apply the requirement to address the unmet needs of the HMA retrospectively back to the beginning of the Plan period.
43. Accordingly, I confirm that the annual housing requirement should be stepped. However, the point at which it should be stepped up should align with the phasing proposed in the updated housing trajectory submitted with the Plan, rather than the date of adoption, which is as yet unknown. This would ensure clarity for the calculation of the 5 year housing land supply and consistency with the monitoring data submitted to the examination. On this basis, a target of 540 dpa should apply from 2011-2018 and a target of 663 dpa from 2018-2031. Although the supporting text to Policy DS1 sets out the justification for a stepped requirement, to ensure the Plan is effective, the targets should be specified in the policy and updated in the supporting text to reflect the updated trajectory. To ensure clarity, the policy also needs to specify that part of the 12,400 dwelling requirement is to contribute to the unmet needs arising in Coventry. These modifications are set out in **MM15** and **MM18** and are necessary for soundness. **MM16** to the supporting text is also necessary to ensure the housing requirement in Policy DS1 is justified against the most recent OAN evidence in the 2016 SHMA update.

**Issue 2 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in relation to its overall provision for employment land in Policy DS1?**

44. Policy DS1 of the submitted Plan provides for 110 hectares (ha) of employment land to support the economic growth of the borough and balance the supply of new jobs with housing over the plan period. The quantum proposed is based on an analysis of the forecast growth in jobs (labour demand) and the resident economically active population (labour supply) for the period 2011-2031 and rates of past take-up of employment land, set out in the Employment Land Study (ELS), dated May 2015<sup>18</sup>. This is consistent with the methodology for employment land needs assessments set out in the PPG<sup>19</sup>.
45. The latest CE forecasts project a total employment growth in Rugby borough of 8,500 for the period 2011-2031<sup>20</sup>, which converts to 7,100 full-time equivalent (FTE) jobs<sup>21</sup>. When broken down by sector the ELS calculates that around 6,700 of these jobs would be in B Use Classes<sup>22</sup>, which would equate to a need for 79 ha of B1-B8 employment land over the plan period applying standard

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<sup>18</sup> Submission document LP12

<sup>19</sup> ID: 2a-031-20140306 and 2a-032-20140306

<sup>20</sup> Paragraph 6.10 of the ELS (document LP12)

<sup>21</sup> Paragraph 6.16 of the ELS

<sup>22</sup> Table 14 of the ELS

employment densities<sup>23</sup>. The ELS advises a further margin of 20 ha be added to provide for a choice of sites in the market and replace employment land lost to other uses, resulting in a total of 99 ha of B1-B8 employment land to meet the forecast growth in jobs in the borough over the plan period.

46. The growth in the resident labour force modelled on three alternative dwelling growth scenarios of 453 dpa, 540 dpa and 660 dpa would range between 7,000 and 13,330 persons over the period 2011-2031<sup>24</sup>. The OAN for Rugby, at 480 dpa, is at the lower end of this range, meaning the proposed provision for housing would broadly match the forecast increase in FTE jobs over the plan period. This is also consistent with the 2014-based SNPP forecast for the increase in the economically active population for 2014-2031 discussed above. As such the labour supply evidence on future employment needs justifies provision of around 100 ha of employment land for Rugby.
47. The analysis of past take up rates records an average 4 ha of employment land per year (hpa) were developed in Rugby in the period 2009-2014, but 6-8 hpa in the pre-2008 recession period. This excludes take up at the strategic employment sites at Ansty Park and the Former Peugeot (ProLogis) site at Ryton, which are close to the borough boundary with Coventry and contribute to the employment needs of Coventry, and which I consider below. However, to satisfy take up rates for Rugby town, the ELS recommends applying a rate of 6-8 hpa for the period 2015-2031<sup>25</sup>, which would mean a total of 96-128 ha to meet expected take up rates to the end of the Plan period. Provision of 110 ha would sit in the middle of this range. Whilst it would exceed the amount of employment land required to meet the forecast growth in jobs and the labour force, given the very good accessibility of Rugby to the strategic road and rail network, provision at the level proposed in the submitted Plan would be justified without leading to unsustainable levels of in-commuting. **MM25** is necessary to ensure the level of provision in Policy DS1 is justified in the light of past take up rates.
48. Rugby also forms part of the functional economic market area (FEMA) for Coventry and Warwickshire. In line with paragraphs 160 and 179 of the NPPF, the Borough Council has worked with the other LPAs within the FEMA and with the CWLEP to understand the business needs of the sub-region and to ensure any unmet needs within Coventry and Warwickshire are satisfied. The results of this work are set out in the Employment Land Memorandum of Understanding (ELMoU)<sup>26</sup> agreed between the seven local authorities in the FEMA. This identifies a total of 714 ha of employment land required across the FEMA for the period 2011-2031, which broadly aligns with the finding of the CWLEP Employment Land Use Study<sup>27</sup> (CWLEP Study) that up to 660 ha of employment land is required to meet expected take up across the FEMA to the end of the Plan period.
49. However, the ELMoU also identifies a shortfall of 241 ha of employment land in Coventry and agrees a redistribution to address the unmet need elsewhere within the FEMA, including a further 98 ha within Rugby borough over and above the

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<sup>23</sup> Table 15 of the ELS

<sup>24</sup> Paragraphs 6.37-6.42 of the ELS

<sup>25</sup> Paragraphs 6.55-6.56 of the ELS (document LP12)

<sup>26</sup> Appendix 2 to the Duty to Co-operate Statement Compliance (document LP05)

<sup>27</sup> Submission document LP15 (dated August 2015)

110 ha provision for the needs of Rugby itself. Whilst it is apparent from the ELMoU and the Employment Background Paper<sup>28</sup> that this portion of Coventry's unmet employment land needs are to be provided for within Rugby borough, the submitted Plan is silent on this point. Accordingly, **MM15** and **MM17** are necessary to add this to Policy DS1 and the reasoned justification, bringing the total requirement for the Plan period to 208 ha, to ensure the Plan is positively prepared in addressing Coventry's unmet needs as well. I have amended the text of these MMs as published for consultation to make clear this is to 'contribute to' rather than 'meet' Coventry's unmet needs. **MM24** is also necessary as a consequential amendment to clarify the reasoned justification relating to that element of the employment land target required to meet Rugby's need.

50. The land identified to address Coventry's unmet needs comprises the two strategic employment sites at Ansty Park and ProLogis, Ryton. Whilst these were allocated in the Core Strategy and are largely developed, they have been completed since 2011 and therefore contribute to the unmet needs of Coventry during the Plan period. In the light of this and the conclusions of the CWLEP study about a lack of 'oven ready' sites within the sub-region to meet the growth needs of Coventry and Warwickshire, concerns have been expressed, particularly by the CWLEP and the Chamber of Commerce, that further provision of employment land is required in the Plan to address the sub-regional need for strategic employment sites for inward investment. This matter was discussed at the hearings and further evidence was submitted to the examination on the demand and supply of strategic employment sites<sup>29</sup>.
51. I consider below the soundness of the Plan's spatial and development strategy in terms of the location of its provision for Coventry's unmet employment needs. However, with regard to the quantity and quality of employment land provision overall, the ELMoU established the total of 714 ha of employment land as sufficient to meet economic growth needs of Coventry and Warwickshire in the period 2011-2031 and agreed its distribution across the FEMA. Local plans within the sub-region have been submitted to provide for this figure and based on the evidence make provision for 876.6 ha of employment land. I note that the area to the south and east of Coventry to Rugby (the East Midlands Golden Triangle) is identified as an area of high demand for logistics, but the immediate supply is regarded as good<sup>30</sup>. Whilst the longer term supply in this area is dependent on the major site at Coventry Airport/Gateway, this has been allocated in the recently adopted Warwick local plan and is coming forward. The submitted Plan makes provision at three sites around Rugby to address this market demand and contribute to the sub-regional land requirement, in addition to the remaining land available at Ansty Park and Ryton. I note that a single sub-regional spatial strategy is being considered for Coventry and Warwickshire. Any further provision to meet sub-regional employment land requirements should be reviewed as part of the joint working in support of this strategy or the next round of local plans.
52. Overall, therefore, I conclude that, subject to the MMs discussed above, the submitted Plan has been positively prepared and is justified, effective and

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<sup>28</sup> Paragraphs 5.1-5.8 of submission document LP17

<sup>29</sup> West Midlands Strategic Employment Sites Study, September 2015 (OTH01) and Coventry and Warwickshire Sub-Regional Need and Local Plan Targets (OTH21)

<sup>30</sup> Paragraph 6.6 of OTH01

consistent with national policy in respect of its overall provision for employment land in Policy DS1. It makes provision for the right amount of land to provide jobs to balance the planned housing growth in Rugby, to address the unmet needs of Coventry and to support the growth of the sub-regional economy.

**Issue 3 – Has the Plan's overall development strategy been positively prepared, is it justified as the most appropriate strategy for the borough, is it effective in terms of cross-boundary strategic priorities and will it enable the delivery of sustainable development in accordance with national policy?**

*General Principles*

53. Chapter 3 of the Plan contains a number of General Principles which guide the overall growth of the borough and set the context for the development strategy. Policy GP1 seeks to apply the presumption in favour of sustainable development contained in paragraph 14 of the NPPF to development in the borough. The last paragraph of the policy includes the 'tilted balance' in the fourth bullet point of paragraph 14, but is not consistent with the wording in the NPPF. The PPG states that there should be no need to reiterate policies that are already set out in the NPPF<sup>31</sup>. I am also mindful that wording of the presumption has been updated in the revised NPPF. Accordingly, to ensure consistency with national policy and that the Plan does not become out of date on adoption, **MM2** deletes the last paragraph of the policy.
54. The reasoned justification to Policy GP1 refers to the presumption in favour of sustainable development as 'the golden thread' running through the NPPF. The revised NPPF also no longer refers to 'the golden thread'. Whilst this Plan is being examined under the previous NPPF, to retain this phrase in respect of the presumption would render the Plan out of date on adoption. Therefore, **MM3** is necessary to remove reference to the 'golden thread' to ensure the Plan will remain up to date and effective in planning decisions.
55. I deal with Policy GP2 in respect of the Settlement Hierarchy separately below.
56. Policy GP3 seeks to encourage the effective use of land by supporting the redevelopment of brownfield land and the re-use of existing buildings, reflecting one of the core planning principles in paragraph 17 of the NPPF. However, as submitted the last sentence of the policy contains a blanket removal of permitted development rights for the conversion of any buildings. This would be contrary to the PPG<sup>32</sup> which is clear that restricting the use of permitted development rights should only be used in exceptional circumstances. The sentence should therefore be removed. To ensure the policy is effective, main modifications are also necessary to make clear the basis on which proposals for the redevelopment of brownfield land will be considered, that the criteria for the re-use of existing buildings apply to rural buildings and to clarify how applications for prior approval for the change of use of rural buildings will be considered. For these reasons **MM7** is necessary. I have amended its wording to ensure that applications for prior approval are determined under the relevant permitted development regulations.

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<sup>31</sup> Paragraph: 010 Reference ID: 12-010-20140306

<sup>32</sup> Paragraph: 017 Reference ID: 21a-017-20140306



57. Policy GP4 seeks to safeguard the development potential of land in the borough. Whilst this is justified in principle in relation to sites required to support the infrastructure and development needs of Plan, the policy and supporting text in the submitted Plan lack the necessary clarity to prevent this becoming an unreasonable constraint on the development of other land in the borough. Paragraph 154 of the NPPF expects that only policies which provide a clear indication of how a decision maker should react to a development proposal should be included in the Plan. To ensure Policy GP4 is clear and effective **MM8**, **MM9** and **MM10** insert references to the identified development and infrastructure needs of the borough, including allocated sites and schemes in the IDP.
58. Policy GP5 supports the preparation of Neighbourhood Plans (NPs), Parish Plans and other neighbourhood level documents and seeks to define their role in the determination of planning applications. However, as drafted in the submitted Plan, the policy and its supporting text are not consistent with national policy, particularly in respect of the need for NPs to be in conformity with the strategic policies of the Local Plan, or sufficiently clear in distinguishing between the statutory nature of NPs and the non-statutory role of other neighbourhood documents. **MM11-MM14** are necessary to ensure consistency with national policy and effectiveness in how the respective plans and documents are taken into account in determining planning applications. **MM12** also defines the strategic policies of the Plan with which NPs must conform.

#### *Settlement Hierarchy*

59. Policy GP2 of the submitted Plan defines the settlement hierarchy to guide the location of development in the borough over the plan period. Rugby is the principal settlement, with the borough's main services and facilities and good access by road and rail to Coventry, the West Midlands and the south. It is located outside of the Green Belt and is the main focus for development in the borough including a number of sustainable urban extensions (SUEs). At the next tier down Main Rural Settlements (MRSs) provide opportunities for more limited development to support the sustainability of their existing services and community facilities. The borough also contains a number of smaller Rural Villages, with a limited level of services and where development is restricted to within existing village boundaries. Outside these settlements, within the Countryside (to the north, south and east of Rugby) and the Green Belt (to the west and north-west of Rugby up to the urban edges of Coventry and Hinckley), other than at the sites allocated in the Plan, development is restricted in line with national policy.
60. In broad terms Policy GP2 is a continuation of the settlement hierarchy contained in the adopted Core Strategy (CS), which remains an appropriate basis for guiding development to the most sustainable locations within the borough over the Plan period. Three MMs to the policy and its reasoned justification are necessary for soundness. In the submitted Plan, Policy GP2 restricts development at the MRSs to within the settlement boundaries, despite the fact that the Plan's development strategy includes allocations at the MRSs outside the urban area. **MM4** will rectify this to ensure that the policy is effective and consistent with the development strategy. I have also amended the wording of **MM35** to ensure the supporting text of the Plan on the MRSs is consistent with the change to Policy GP2. **MM5** to the reasoned justification to Policy GP2 is necessary to ensure the Plan is consistent with national policy in respect of development permitted within the Green Belt. **MM6** is also necessary to ensure

that the Plan and the reasoned justification to Policy GP2 deal appropriately with the urban edges of Coventry and Hinckley and provide effective guidance for proposals which may come forward within the Green Belt in these locations. **MM181** is also necessary to clarify the definition of settlement boundary in the glossary.

### *Development Strategy*

61. The Plan adopts a development strategy, comprising a series of housing and employment allocations, which, for the most part, are located in line with the settlement hierarchy for the borough and capable of delivering the growth necessary to meet the borough's development requirements discussed under issues 1 and 2 above. The strategy focuses the majority of development on Rugby town, with two new SUEs allocated at Coton Park East on the northern edge of Rugby for 800 dwellings (DS3.2) and South West Rugby for 5,000 dwellings (DS3.5), in addition to two existing SUEs which were allocated in the CS at Rugby Gateway (DS3.3) also on the northern edge of the town, for 1,300 dwellings, and Rugby Radio Station (DS3.4) on the south-east edge of the Rugby for 6,200 dwellings. The two new SUEs include employment land allocations for 7.5 ha and 35 ha respectively (DS4.1 and DS4.3). These are supplemented by 11 allocations within the rural areas of the borough, one at Coton House to the north of Rugby (DS3.1), nine in or on the edges of the MRSs (DS3.6-DS3.14) most of which would require alterations to the boundaries of the Green Belt, and a new village at Lodge Farm (DS3.15). In particular, these are intended to broaden the supply of housing sites away from the Rugby urban edge and, in the case of the MRS sites, assist in sustaining rural communities and services. Policies DS5-DS10 set out the detailed development management requirements to guide planning applications for these sites.
62. The development strategy is justified in the supporting text to Policies DS3 and DS4, with a more detailed explanation given in the Housing Background Paper<sup>33</sup> (HBP). To date it has relied mostly on development opportunities within and on the edge of Rugby, where up to 90% of housing development has been focused. This has been through a mixture of sites within the boundaries of the urban area and SUEs. However, since 2011 monitoring shows that a distribution focused so heavily on Rugby town has been unable to deliver housing at the rate necessary to achieve the CS target of 540 dpa<sup>34</sup>. That is notwithstanding the steps taken by the Council to accelerate the delivery of the existing SUEs<sup>35</sup>. As a result the Council has not been able to maintain a deliverable 5 year housing land supply in recent years, as required by paragraph 47 of the NPPF.
63. In preparing the Plan the Council has undertaken a thorough assessment of housing capacity through the Strategic Housing Land Availability Assessment (SHLAA)<sup>36</sup>, which reveals very limited development opportunities remaining within the urban area of Rugby, suggesting that its urban capacity for additional housing has largely been exhausted<sup>37</sup>. The Housing Delivery Study (December 2015)<sup>38</sup> (HDS), commissioned by the Council to consider market capacity for

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<sup>33</sup> Submission document LP11

<sup>34</sup> Figure 5 of the Housing Background Paper (LP11)

<sup>35</sup> Paragraphs 3.7-3.10 of LP11

<sup>36</sup> Submission documents LP10 and LP10a

<sup>37</sup> Paragraph 3.16 of LP11

<sup>38</sup> Submission document LP42

housing delivery in and around Rugby, also concludes that continued reliance on a limited number of large SUEs on the edge of Rugby is unlikely to deliver housing at the rate necessary to support the increased housing target in the submitted Plan at 660 dpa. To this end, in order to increase delivery rates, the HDS recommends a broader mix of locations for new housing including a major growth location away from Rugby and developments in the smaller settlements of the borough. However, the borough is also constrained by the Green Belt between Coventry and Rugby, which covers around 60% of the borough, surrounds the majority of the MRSs and limits the outward expansion of Coventry to the east and Rugby to the west.

64. Accordingly, in preparing the Plan the Council considered a number of alternative spatial options for the development strategy, in order to broaden the locations for housing development to deliver growth at the rate required over the Plan period. Five alternatives were considered, which are explained in the HBP<sup>39</sup> and were subject to sustainability appraisal (SA)<sup>40</sup>. In each option Rugby remains the main focus for development via infill development or urban extension, with some development at the MRSs. But where Rugby town cannot accommodate all growth the options considered were – additional development focused on the edge of Coventry and Hinckley (Option 2: Urban and urban edge focus); some boundary alterations to the MRSs to permit small scale extensions (Option 3: Wider Focus); and a new MRS development located in the countryside (Option 5: New Town). The development strategy proposed in the submitted Plan is based on a combination of Options 3 and 5.
65. The evolution of the development strategy and the selection of sites have been informed by a range of studies submitted by the Council. In particular, the studies have assessed the development strategy and allocations in terms of their impacts on the capacity of the highway network<sup>41</sup> and air quality<sup>42</sup>; their effects on landscape quality<sup>43</sup>, flood risk<sup>44</sup>, habitats and biodiversity<sup>45</sup>, heritage<sup>46</sup> and the Green Belt<sup>47</sup>; and their financial viability<sup>48</sup>. Together with the SA, which I consider in detail under my assessment of legal compliance below, I am satisfied that these comprise proportionate evidence on which to base the choice of strategy and that the combined effects of the scale and distribution of the development proposed have been robustly assessed.
66. I have considered the proposed allocations under issues 4 and 5 below in the light of this evidence base and the representations submitted on them. For the reasons detailed there, I have concluded that the SUEs at South West Rugby and Coton Park East are appropriate as part of the proposed development strategy and their impacts capable of mitigation and that exceptional circumstances exist for the alteration of the Green Belt boundaries to justify the

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<sup>39</sup> Figure 9 of LP11

<sup>40</sup> Table 5.9 of the Sustainability Appraisal (LP03)

<sup>41</sup> Strategic Transport Assessments (2016 and 2017) - submission documents LP19 and LP20

<sup>42</sup> Air Quality Assessment (2017) - examination document OTH07

<sup>43</sup> Landscape Assessment 2006 (LP34), Landscape Sensitivity Study 2016 (LP35) and Rainsbrook Rural Landscape Study 2017 (LP36)

<sup>44</sup> Strategic Flood Risk Assessment (LP31)

<sup>45</sup> Habitat Biodiversity Audit 2017 (LP41)

<sup>46</sup> Rural Heritage Study 2016 (LP38)

<sup>47</sup> Coventry and Warwickshire Joint Green Belt Review Part One 2015 (LP30)

<sup>48</sup> Local Plan & CIL Viability Assessment 2017 (LP22)

relevant allocations at the MRSs at Binley Woods, Long Lawford, Ryton on Dunsmore, Stretton on Dunsmore, Wolston and Wolvey. However, I have concluded that the proposed new MRS at Lodge Farm and the allocations at Coton House and Brinklow are not sustainable or justified as part of the development strategy, bearing in mind the housing requirement figure, and therefore that they should be deleted from the Plan (**MM31-33, MM35, MM43, MM37-39, MM59-65, MM140, MM145-147, MM150-151, and MM158-160**).

67. I consider the implications of this for the deliverability and developability of the housing land supply in detail under issues 4, 5 and 6 below. But I am satisfied that the absence of those three allocations will not undermine the intended wider focus of the overall development strategy and that without them the development strategy is capable of meeting the objectively assessed needs of Rugby in a way that is consistent with national policy and will enable the delivery of sustainable development. Although it means the spatial strategy would be based on Option 3 rather than a combination of 3 and 5, this remains a sustainable option which the SA scored more positively than the other 4 options in terms of addressing poverty and social exclusion and without any significant negative impacts. The results of the update to the SA undertaken on the MMs confirms that the negative effects associated with Lodge Farm would no longer occur, as would also be the case for the sites at Coton House and Brinklow. In the light of my conclusions under issues 4 and 5 below I give little weight to any positive effects previously recorded in the SA from these allocations in respect of housing, infrastructure and sustainable transport. I do not agree with the findings of the SA update that there would be no fundamental change to the in-combination effects of the Plan as a result. It is clear that 1,625 less homes in the borough would reduce the overall adverse environmental effects of the Plan, as I explain in my assessment of the sites under issues 4 and 5.
68. Rugby town is the most sustainable settlement in the borough with a wide range of employment, main town centre uses and community facilities, well connected to the strategic road network and with good quality public transport links to Coventry, the West Midlands and the south. The proposed strategic allocations at South West Rugby and Coton Park East are justified as the most appropriate locations for major urban expansion. Together with the existing SUEs at Rugby Radio Station and Rugby Gateway, they are capable of providing for the long term growth of the borough, both for housing and employment, and are capable of delivering sustainable development subject to the appropriate mitigation of impacts, the provision of community facilities and services and the creation of sustainable transport links to the town. In addition, the provision of some limited housing development at the MRSs will help to sustain rural communities and facilities and maintain a deliverable housing land supply within the first 5 years of the Plan period.
69. I have also considered whether the modified development strategy is capable of meeting the unmet needs of Coventry in a way that is consistent with national policy and the delivery of sustainable development. I note the Inspector's report into the Coventry Local Plan suggests that seeking to deliver the city's growth beyond the Green Belt would lead to development detached from Coventry and increase unsustainable patterns of commuting. For the reasons I explain under issue 4 below, I agree that this would apply to the proposed new MRS at Lodge Farm, but it would not be the case for the planned growth at Rugby and the allocations at MRSs closer to Coventry.

70. Whilst the Housing MoU for Coventry and Warwickshire indicated that the most sustainable spatial options for redistributing Coventry's unmet needs are on the edge of Coventry and in growth corridors, addressing the shortfall through extensions to principal urban areas within the sub-region also scored positively in the assessment of spatial options<sup>49</sup>. An important principle underpinning the MoU is the 'sovereignty' of each Council to prepare a local plan according to a locally derived spatial strategy. Although the Plan does not provide for its share of Coventry's unmet housing needs on the edge of Coventry, the scale of housing development proposed at Rugby, as one of the sub-region's principal urban areas, is capable of meeting those needs in a location with good access to employment and higher order facilities in Coventry by means of public transport, within 11-12 minutes by train from Rugby station. In addition, the four proposed MRS allocations at Ryton on Dunsmore, Binley Woods and Stretton on Dunsmore are close to the urban edge of Coventry and well connected to it by the strategic road network (via the A46 and A45). All would contribute to meeting unmet housing needs of Coventry in locations and at a scale which would not give rise to unsustainable commuting.
71. Further the strategically significant employment sites at Ansty Park and Ryton, which I consider in more detail under issue 9 below, have already made a significant contribution to meeting the borough's apportionment of the unmet employment land needs of Coventry since the start of the Plan period, in locations close to the edge of Coventry with easy access to the strategic road network (A46, M6 and A45/M45). In combination with the employment allocations at Coton Park East, South West Rugby and Rugby Radio Station, this is justified as the most appropriate spatial strategy and distribution to meet the employment land requirements of Rugby and the unmet needs of Coventry. Overall therefore, I am satisfied that the development strategy, as modified, will address the unmet needs of Coventry in a way that is consistent with national policy and the delivery of sustainable development.
72. In reaching this conclusion, I have considered the merits of potential locations on the eastern edge of Coventry, including the site at Walsgrave Hill Farm (WHF), which was identified for development in the Preferred Option draft of the Plan, but not taken forward in the Publication draft Plan. The advantage of these sites is that they would serve to meet Coventry's unmet needs in locations which afford easier access to the city's employment opportunities and facilities. However, land on the edge of Coventry within Rugby borough lies within the Green Belt. The NPPF establishes that Green Belt boundaries should only be altered in exceptional circumstances and that regard should be had to their permanence in the long term, using physical features likely to be permanent<sup>50</sup>. The A46 on the east side of the city represents a strong, clearly defined boundary. The sites promoted on the edge of Coventry, including WHF, would breach this boundary extending Coventry into the countryside on the eastern side of the A46, causing significant harm to the purposes of the Green Belt in this location in checking the unrestricted sprawl of Coventry and safeguarding the countryside from encroachment. The fact is that Rugby's apportionment of the unmet housing needs of Coventry can be met in sustainable locations outside the Green Belt and on smaller scale sites at the MRSs, which I conclude under Issue 5 would not lead to unacceptable harm to the purposes of the Green Belt. This does not support

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<sup>49</sup> Appendix 3 to the Housing MoU (at Appendix 1 to LP05)

<sup>50</sup> Paragraphs 83 and 85 of the NPPF

the case for exceptional circumstances for the alteration of Green Belt boundaries on the edge of Coventry within this Plan.

73. With particular regard to the WHF site, the Council explained its reasons for not selecting this site when considered against the non-Green Belt alternatives<sup>51</sup>. In addition to the harm to the Green Belt, this includes the potential for harm to Coombe Park, a Grade 2\* registered park and garden, which provides the setting for Coombe Abbey, a Grade 1 listed building, on the southern edge of the site, and to Coombe Pools Site of Special Scientific Interest (SSSI) located within the park. These impacts on nationally important heritage assets and wildlife habitats also weigh heavily against the WHF site in assessing the case for exceptional circumstances.
74. I also heard and received written evidence<sup>52</sup> about the potential for the WHF site to fund improvements to the A46 Walsgrave junction and to provide a dedicated emergency access to the University hospital at Walsgrave on the edge of Coventry from that junction. I acknowledge the importance of the A46 Coventry junctions scheme as part of the government's Roads Investment Strategy (RIS) 2015-2020 to tackle congestion on this route. I note that the Department for Transport (DfT) is taking a phased approach to the scheme, progressing with the Binley junction first, before determining the appropriate solution for the Walsgrave junction, which could be either an at-grade or grade separated scheme. Ultimately, the appropriate scheme and the timing, funding and prioritisation for the Walsgrave junction are matters for the DfT to determine as part of the RIS. But it is clear from the evidence that it is still the intention of the DfT to deliver a scheme for the Walsgrave junction and that this is not dependent on development at WHF.
75. The need for a dedicated emergency access to the University hospital is clearly an important piece of infrastructure for Coventry City and the sub-region, to provide a less congested 'blue light' connection to the strategic road network. The site through which this would be constructed from the Walsgrave junction lies within the Coventry City boundary on the western side of the A46 at WHF and is allocated for 900 homes in the Coventry Local Plan. Whilst the emergency access is dependent on the DfT scheme for the Walsgrave junction, a scheme is being brought forward through the RIS. The housing allocation in the Coventry Local Plan states that the site will incorporate the 'blue light' access and the City Council will facilitate and work with Highways England on the A46 junction. Evidence from Coventry City Council for the examination of the Coventry Local Plan<sup>53</sup> states that the delivery of this site is not dependent on land within Rugby borough at WHF being allocated for development. The fact that a grade separated scheme and the emergency access could be delivered earlier as part of a development of 1,500 homes and 55 ha of employment land at Walsgrave Hill Farm, does not constitute exceptional circumstances to justify the release of a significant area of GB land for a development which is not required to meet the agreed local or sub-regional employment or housing needs.
76. Returning to the impacts of the development strategy, given the scale and distribution of development proposed in the Plan, I recognise the potential for the development strategy, even as modified, to have negative effects on the

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<sup>51</sup> Appendix 3 to the Housing Background Paper (LP11)

<sup>52</sup> Examination documents OTH23, OTH32 and OTH32a

<sup>53</sup> Page 18 of Examination document OTH20

environmental assets and objectives of the borough including habitats, cultural heritage and landscape quality. I have considered the impacts of the individual site allocations under issues 4 and 5 below. Overall, I am satisfied that the proposed distribution of development, focused mainly on the northern, south-western and south-eastern edges of Rugby town would have the least impact on these assets and would be capable of mitigation to minimise the overall impact of development, through site specific measures and the general development management policies of the Plan.

77. In terms of landscape quality, the development strategy has sought to avoid the most sensitive landscape within the Rainsbrook Valley on the southern fringe of Rugby, based on the findings of the Landscape Sensitivity Study 2016<sup>54</sup> and Rainsbrook Rural Landscape Study 2017<sup>55</sup>. As well as guiding the selection of South-West Rugby, this also informed the decision not to allocate further sites at the south-eastern end of that fringe, which is justified.
78. Significant concerns were raised, both in written representations and at the hearings, about the capacity of the highway network to accommodate the scale and distribution of development proposed. I deal with the site specific implications and mitigation for this under issues 4 and 5. In terms of the overall strategy, the 2016 and 2017 Strategic Transport Assessments (STAs), commissioned by Warwickshire County Council, as highway authority, in conjunction with the Borough Council, assessed the impacts of the growth proposals in the Plan on the highway network and identified mitigation packages. They modelled the effects of the proposed housing and employment growth to 2031 against a reference case of traffic growth without the Plan's proposals. Highways England and the adjoining highway authority for Northamptonshire were consulted on the methodology and outputs. I read and heard evidence questioning the reliability of the STAs. However, the methodology has been used throughout Warwickshire and been tested at other local plan examinations, including Warwick and Stratford on Avon, and found to be thorough and robust. The counter evidence did not persuade me that the STAs were not a reliable basis for assessing the transport impacts of the Plan at a strategic level over the period up to 2031.
79. The 2017 STA update modelled the impact of over 16,000 additional dwellings and more than 1 million sqm of employment floorspace, which include existing commitments and the growth proposals in the Plan, together with developments adjacent to the borough such as at the Daventry International Rail Freight Terminal (DIRFT). It tested the effects of 39 mitigation schemes, implemented in phases across the Plan period, including schemes for the most critical points on the network at Dunchurch crossroads, the Rugby Gyratory in the town centre, junctions along the A426 to the south and north of Rugby, and at junction 1 of the M6. Most important is a proposed new spine road network within the South-West Rugby SUE, which amongst other effects is critical in relieving congestion at the Dunchurch crossroads. I consider this further under issue 4 below.
80. Overall, the 2017 STA concludes that with the mitigation schemes proposed, there are likely to be a number of residual impacts on the network as a result of the growth modelled, including at the Gyratory and along the A426, and that further mitigation schemes will be required for these parts of the network<sup>56</sup>.

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<sup>54</sup> Submission document LP35

<sup>55</sup> Submission document LP36

<sup>56</sup> Paragraph 10.10 of submission document LP20

These will need to be incorporated into the infrastructure delivery plan. However, it is also important to note that the level of housing growth modelled exceeded that proposed in the Plan, offering a beyond worst case scenario test. The modified strategy without the Lodge Farm, Brinklow and Coton House sites will reduce the planned level of traffic growth further. Highways England noted in its representations on the MMs that the removal of Lodge Farm will reduce the cumulative traffic impact on strategic road network.

81. Based on the evidence submitted, and subject to the MMs discussed above, I am satisfied that the effects of the Plan's development proposals on the transport network can be mitigated over the Plan period, such that the residual cumulative impacts of development would not be severe. The major SUEs are sited in the most accessible locations in the borough, where the need to travel will be minimised and the use of sustainable modes of travel can be maximised, as expected in paragraph 34 of the NPPF. The delivery of a Parkway Station at Houlton and other measures identified in Rugby's draft sustainable transport strategy<sup>57</sup> should also support a reduction in dependence on the car and a shift to sustainable modes of travel.
82. A closely related concern is the impact of the proposed growth on air quality in the borough, particularly given that the whole of Rugby town is designated an Air Quality Management Area. The main concern within the AQMA is the level of nitrogen dioxide (NO<sub>2</sub>) emissions. Transport is the primary cause of this. The Council has modelled the effects of the Plan's development proposals on road emissions within the Rugby-wide area<sup>58</sup>. This shows that over the Plan period there would be some improvement in air quality at the Dunchurch and Hillmorton junctions, with highway improvement schemes identified in the STA reducing queueing lengths, but a worsening of air quality around the town centre and along the A426 to the north of the town. It is important to note that this assessment does not take account of the improvement in emissions over time expected as vehicle technology changes to meet statutory requirements. The Council recognise this as an ongoing issue for the borough, with measures identified in its Air Quality Action Plan and an emerging Air Quality SPD. I deal with mitigation in more detail under matter 11 in relation to the Policy HS5 on air quality. However, overall, I am satisfied that, subject to the MMs, the development strategy is consistent with national policy on air quality in focusing the majority of development around Rugby where it would enable increased use of sustainable modes of travel and a reduction in car use.
83. In terms of other strategic impacts, the Strategic Flood Risk Assessment (SFRA) demonstrates that the proposed locations for development avoid the areas of the borough a greatest risk of flooding. The viability of the Plan has been robustly assessed through the Local Plan Viability Assessment. Together with other site specific evidence submitted to the examination<sup>59</sup>, I am satisfied this demonstrates that the proposed allocations, without the sites at Lodge Farm, Coton House and Brinklow, are viably able to support the infrastructure, affordable housing and other policy requirements of the Plan and that the development strategy, as modified, is therefore deliverable.

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<sup>57</sup> Examination document OTH49

<sup>58</sup> Examination document OTH07

<sup>59</sup> Including South West Rugby Strategic Development Appraisal (OTH 06)



84. The submitted Plan lacked a key diagram to indicate the broad locations for strategic development as expected in paragraph 157 of the NPPF. Accordingly, **MM1** is necessary to include a key diagram of the modified development strategy to ensure consistency with national policy.

#### *Conclusion on Issue 3*

85. For the reasons given above and set out elsewhere in this report, I conclude that the development strategy, subject to the MMs listed above, is soundly based. It is positively prepared to meet the objectively assessed development and infrastructure requirements of the Plan, including the borough's apportionment of the unmet housing and employment needs of Coventry, in a way that is consistent with achieving sustainable development. It is justified as the most appropriate strategy for Rugby borough against the reasonable alternatives and deals effectively with the cross-boundary strategic priority of the unmet needs of Coventry, in a form that is consistent with the settlement hierarchy and spatial strategy for the borough. Finally, it will enable the delivery of sustainable development in accordance with national policy.

#### **Issue 4 – Are the strategic allocations at South West Rugby, Lodge Farm and Coton Park East justified, effective and consistent with national policy?**

##### *Coton Park East*

86. The Coton Park East site is located on the north eastern edge of Rugby, approximately 3.6 kilometres (km) from the town centre and close to junction 1 of the M6. The site is allocated in Policy DS7 for a mixed use development comprising 800 dwellings and 7.5 ha of employment land, supported by a local centre, a primary school and a comprehensive green infrastructure network. It would form a continuation of the northward expansion of Rugby at Brownsover, taking advantage of the investment in infrastructure provided for the Rugby Gateway SUE, which is under construction. It was selected as a further SUE following a robust and thorough assessment of the options evidenced in the SHLAA and SA. As an extension to Rugby, it is consistent with the existing settlement pattern and the established development strategy for the borough.
87. Although the development of the allocation would result in the loss of some very good quality agricultural land (grade 2), it has been demonstrated that there are limited brownfield opportunities in Rugby and therefore that the development requirements of the borough cannot be met without building on greenfield sites. Most greenfield sites on the edge of Rugby are in agricultural use. In comparison to the overall resource of high quality agricultural land in the borough, the loss of 72 ha would be modest.
88. In terms of landscape impact, whilst the Council's 2006 Landscape Assessment<sup>60</sup> locates Coton Park East within an area of high landscape sensitivity, the visual quality of the landscape in this area to the immediate south of the M6 has undoubtedly changed since 2006 by the development of large scale industrial and warehousing buildings at Rugby Gateway. The visual impact of further housing and employment development in this location on the landscape to the north and east could be mitigated by the use of landscaping along the M6 boundary and an open space buffer to the east adjacent to the Great Central Railway Local Nature Reserve (LNR), which would also prevent coalescence with Newton village. The

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<sup>60</sup> Landscape Assessment of the Borough of Rugby – Sensitivity and Condition Study (LP34)

indicative masterplan for the site<sup>61</sup> shows the potential for this as part of a green infrastructure (GI) network for the site linking to the walking and cycling route along the disused Great Central Railway. The open space buffer would also serve to mitigate impacts on habitats and biodiversity within the LNR. Policy DS7 as drafted in the submitted Plan requires proposals to incorporate such a GI network as part of the development.

89. With regard to its transport impact, the STA 2017 predicts an increase in traffic growth on adjacent roads including the A426 both into the town centre and towards junction 1 of the M6 to the north, in part as a result of the development at Coton Park East, but identifies a number of junction improvement and carriageway widening mitigation schemes to accommodate this growth. Policy DS7 requires both on-site and off-site measures to mitigate the transport impact as detailed in the Infrastructure Delivery Plan (IDP). However, not all of the schemes identified in the STA are listed in the IDP at Appendix 3 of the submitted Plan. Accordingly, a main modification (**MM158**) is necessary to include the full list of mitigation schemes in the IDP to ensure the policy is effective.
90. The provision of employment, a local centre and community facilities on site and its proximity to the shops and services at Central Park and the existing industrial park at Rugby Gateway should reduce the need for future residents of Coton Park East to travel for most regular day to day activities. Policy DS7 also requires provision of a comprehensive cycle network within the development and to link to nearby sites and community facilities to enable movement by sustainable modes of travel. I have amended this requirement in **MM44** to include footpaths as part of the network, which is necessary to ensure the allocation is consistent with national policy in making the fullest use of walking and cycling.
91. Major facilities in the town centre, Elliott's Field retail park and the railway station are beyond reasonable walking distance, but are accessible by bus and cycle. To ensure full bus accessibility, Policy DS7 requires provision of a direct, high quality public transport link between the site, the railway station and the town centre. In addition, the Sustainable Transport Strategy (STS) includes provision for a new cycle link from Coton Park East to the town centre. Overall the location of the site, the mix of uses and provision of new transport infrastructure should ensure the impact of the development on the transport network is not severe and that the use of sustainable modes of transport can be maximised, in line with paragraphs 32 and 34 of the NPPF. Whilst the Air Quality Assessment for the borough<sup>62</sup> shows a worsening of air quality along the A426 as a result of the traffic growth from this site and other Plan proposals in the town, the sustainable transport measures proposed as part of the Coton Park East site would help to mitigate this by reducing the need to travel by car.
92. Secondary school provision for Coton Park East is to be provided off-site through the expansion of existing secondary schools in Rugby, with a financial contribution towards both school places and pupil transportation costs identified in the IDP. This is part of a town-wide approach to provide for the additional secondary education school places required to meet the planned housing growth in the borough, promoted by Warwickshire County Council, as the Local Education Authority (LEA). However, should the capacity not be available on

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<sup>61</sup> Coton Park East Summary document (examination document OTH34)

<sup>62</sup> OTH07

existing school sites, a reserve site for a secondary school has been proposed at Coton Park East, given that the main area of deficiency in secondary education provision in the borough is in the north of Rugby.

93. The reserve site was not part of the submitted Plan, but the potential need for it was confirmed by the LEA following discussion at the stage 1 hearings and the publication of its statement on secondary education needs and infrastructure<sup>63</sup>. An area of 8.5 ha of land at Coton Park East has been identified, which would be sufficient for a combined primary and secondary school. The mechanism for provision of the land was agreed between the landowner and LEA in a statement of common ground<sup>64</sup>. The site is to be reserved for a period of 12-24 months from adoption of the Plan to allow the LEA sufficient time to negotiate agreements for the expansion of existing schools or complete the purchase of land for a school at Coton Park East. Additional text is included in Policy DS7 as part of **MM44** and in the IDP as part of **MM145** and **MM158** to incorporate this safeguarding provision. This is necessary for soundness to ensure the Plan is positively prepared in meeting the education infrastructure needs required to support the proposed housing growth. I have amended the wording of the MMs to ensure they state 12-24 months, allowing the site to be released earlier than 24 months if capacity is agreed elsewhere. Whilst I note the calls for the site to be reserved for longer, the LEA had agreed that 12-24 months would be sufficient, and this would avoid the land being sterilised for longer than is necessary. The location of the site has been indicated in the modifications to the policies map.
94. Should the full 8.5 ha be required for a combined school, this may reduce the capacity for additional housing at Coton Park East potentially by around 200 dwellings. However, this would still ensure 7 years of supply from Coton Park East based on the Plan's revised housing trajectory. As such it would not place immediate pressure on the 5 year supply and would allow the Council time to bring forward replacement housing land should this be required to supplement the overall housing land supply towards the end of the Plan period.
95. The SFRA shows the site is at low risk of flooding in Flood Zone 1 and there are no identified heritage assets which would be affected. In terms of waste water treatment infrastructure, the capacity of the Newbold treatment works to where the Coton Park East site would discharge is limited after 2021. However, the Water Cycle Study 2017<sup>65</sup> confirms that improvements to the Newbold works are possible and would be funded by Severn Trent Water, to be confirmed in the next investment plan (AMP7) once there is certainty about the quantum of development proposed for the catchment. Therefore, the study confirms that treatment capacity should not be seen as a barrier to growth in Rugby.
96. Further infrastructure requirements include contributions towards off-site improvements to primary and secondary healthcare facilities, emergency services and other community facilities, which would all be likely to meet the tests for planning obligations. They were not identified in the submitted Plan and so that the Plan is positively prepared in meeting infrastructure requirements, MMs to the IDP (**MM158**) and Policy DS7 (**MM44**) are necessary for soundness to refer to these off-site infrastructure requirements.

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<sup>63</sup> Statement by Warwickshire County Council on Secondary Education Needs and Infrastructure (examination document OTH38)

<sup>64</sup> Examination document OTH55

<sup>65</sup> Submission document LP32

97. In the submitted Plan, Policy DS7 included a requirement for measures to minimise energy use and include renewable energy generation. However, since the Written Ministerial Statement (WMS) in March 2015, national policy is for energy performance of new buildings to be secured through the Building Regulations. This would also duplicate provisions in Policies SDC1 and SDC4 for sustainable buildings and design. Accordingly, the deletion of this requirement in **MM44** is necessary to ensure the policy is effective and consistent with national policy.
98. The land ownership of the site is split across the residential and employment elements. As a strategic allocation to be delivered in phases, a comprehensive approach to development will be necessary, particularly to ensure the delivery of infrastructure to support the site as a whole. The principle of comprehensive development for sites of more than 100 dwellings is established in Policy DS5, but a development management mechanism has not been included in Policy DS7 as submitted to ensure comprehensive delivery, leaving the Coton Park East site potentially vulnerable to piecemeal development. A Masterplan SPD is being prepared for the site and accordingly **MM44** includes additional text requiring proposals to accord with it to ensure Policy DS7 is effective. I have amended the wording of the MM to ensure proposals are required to be 'informed by' rather 'accord with' the Masterplan. As the SPD is not a development plan document and not subject to examination, it can provide more detail to inform successful applications, but to ensure it is consistent with national policy, the Plan cannot delegate policy status to the SPD which would be the case if proposals were required to accord with it. I have also included wording enabling the local planning authority to resist piecemeal development to ensure the policy is effective.
99. Policy DS7 limits the employment allocation at Coton Park East to 7.5 ha of land and to smaller units of industrial floorspace and ancillary B8 warehousing. With regard to the amount of employment land, the quantum of additional employment land provided for in the Plan at 212 ha already exceeds the requirement of 208 ha established above as necessary to meet Rugby's objectively assessed needs and the apportionment of Coventry's unmet needs. Whilst Coton Park East could accommodate a larger employment land area, there is little justification for this to meet the needs of the borough over the plan period. Any further significant allocation of employment land beyond the objectively assessed needs would risk creating an imbalance in the supply of jobs and housing in the borough, leading to unsustainable commuting journeys contrary to paragraph 37 of the NPPF.
100. With regard to unit sizes, the Employment Land Study (ELS)<sup>66</sup> establishes that there is a qualitative gap in sites capable of accommodating industrial floorspace for B1c, B2 and ancillary B8 uses of between 5,000-50,000 sqft. The need for accommodation for a growing small business sector in Rugby and the sub-region was also supported in oral evidence at the examination hearings by the Coventry and Warwickshire LEP and the Chamber of Commerce. Paragraph 21 of the NPPF encourages local planning authorities to plan for growing business sectors.

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<sup>66</sup> Paragraph 8.10 of submission document LP12

101. Main modifications to Policy ED1 discussed below include a general provision for accommodation for small and medium sized enterprises (SMEs) at both existing employment areas and new allocations. However, the ELS recommends the allocation of smaller employment sites to meet this need<sup>67</sup>. Whilst I note the demand for further allocations for large units at Rugby Gateway and the advantages of this location for warehousing and distribution, there is already significant provision for large scale warehousing at Rugby Gateway, further supplemented by the proposed allocation at South West Rugby. The allocation of a modest site of 7.5 ha at Coton Park East specifically to meet the needs of SMEs is justified by the evidence. **MM44** amends the wording of Policy DS7 to allow the necessary flexibility. Should the site not come forward for this form of development, then, in due course, paragraph 22 of the NPPF allows for land allocations to be reviewed and put to alternative uses where there is no reasonable prospect of the site being used for allocated employment uses.
102. On the basis of the above analysis, I conclude that the allocation of Coton Park East for a strategic, mixed use housing and employment allocation and a SUE to Rugby is justified as part of the overall development strategy to meet the development needs of the Plan. Subject to the MMs to Policy DS7 and the IDP, the mitigation measures proposed, and the provision of the infrastructure identified, I am satisfied that the site would be capable of making a useful contribution to the housing land supply from 2020/21 throughout the plan period and enable the delivery of sustainable development consistent with national policy.

#### *South West Rugby*

103. South West Rugby (SWR) is identified in the Core Strategy (CS) as a broad location for the future expansion of Rugby. It is identified as a contingency provision subject to release in a separate development plan document (DPD), in the event that Rugby Gateway and Rugby Radio Station fail to deliver the required growth in housing and employment. However, it is clearly identified as the Council's preferred choice for expansion of Rugby beyond the two existing SUEs and the Inspector's report into the examination of the CS in 2011 found the location to be suitable and appropriate for development. The site allocated in Policy DS8 of the submitted Plan is considerably larger than that identified in the CS, providing for around 5,000 dwellings and 35 ha of B8 employment land. But, as an extension to Rugby, it remains consistent with the existing settlement pattern and the established development strategy for the borough, which seeks to focus the majority of new development at Rugby.
104. Notwithstanding the status of SWR in the Core Strategy, the Council considered a range of options for meeting the increased scale of housing and employment required to 2031 in alternative locations around the edge of Rugby, including sites on the south-east and southern edges of the town. A robust and thorough assessment of the alternatives alongside SWR was undertaken, as evidenced in the SHLAA and SA and explained in the HBP<sup>68</sup>.
105. The selection of the SWR site rather than other reasonable alternatives is justified by a number of factors. Sites along the south-eastern fringe of the town lay on the Rainsbrook Valley escarpment which is an area of high landscape sensitivity<sup>69</sup>. Sites along the western fringe of the town lay within the

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<sup>67</sup> Paragraph 9.4 of LP12

<sup>68</sup> Paragraphs 3.15-3.65 of LP11

<sup>69</sup> Page 11 of Rainsbrook Valley Landscape Sensitivity Study 2017 (LP36)

Green Belt. Development at the south-west corner of Rugby would offer a broader spread of housing market opportunities in addition to the existing SUEs to the north and south-east of Rugby at the Gateway and Radio Station sites. The scale of the SWR site is able to support key facilities, such as a new secondary school and health centre, and to deliver the transport infrastructure necessary to effectively mitigate the growth in traffic in the south of the town. It is also the most accessible location on the edge of Rugby by sustainable modes of transport, located approximately 3 km from the town centre, and with the greatest potential to extend existing bus routes into the site and create cycle and walking networks to link with the existing urban area.

106. I recognise that development at this scale, on a greenfield site, would have negative impacts. The SWR allocation comprises around 390 ha of countryside, mainly in agricultural use, the majority of which is grade 2. The loss of very good quality agricultural land would not be mitigated, but it has been demonstrated that the development requirements of the borough cannot be met without building on greenfield sites. Most greenfield land on the edge of Rugby is in agricultural use, and classed as good quality agricultural land or better. I am satisfied that it would not be possible to use any poorer quality areas of agricultural land to meet the development needs of the borough in a more sustainable location. Although a large area of agricultural land, its loss would be modest in comparison to the overall resource of agricultural land in the borough.
107. In terms of its landscape impact, the majority of the SWR allocation falls within the Dunsmore Plateau Farmlands landscape character area, which has a moderate landscape sensitivity and visibility<sup>70</sup>. Whilst the SUE would result in the loss of the open, farmland landscape on the site, the housing and employment requirements of the borough cannot be met without encroaching on the countryside around Rugby. The site benefits from well-defined boundaries comprising the urban edges of Rugby to the north and east and Dunchurch to the south east, the A4071 Rugby by-pass and former railway line to west and the A45 to south. These serve to contain the landscape and limit longer distance views of it, particularly from the north, east and west. They would also limit views of the development from the surrounding countryside.
108. However, there are two areas of particular landscape and visual sensitivity. The Rainsbrook Valley Landscape Sensitivity Study 2017<sup>71</sup> identifies the landscape between Rugby and Dunchurch as of high sensitivity, as the last remaining gap separating the two settlements. Having visited the site and the surrounding area, it is evident that Dunchurch, whilst a satellite to Rugby, has its own distinct identity and history as a village community, which is visually and physically separated from Rugby by a narrow band of countryside within the SWR allocation. It will be important to maintain that separation to respect the identity of Dunchurch in the master planning and delivery of the SWR development. Policy DS8 in the submitted Plan reflects this expectation. However, to ensure the policy is effective, **MM45** adds that the buffer should be significant and that its purpose includes preventing coalescence. Whilst this would not prevent any development within the gap, it would help to ensure the sense of physical and visual separation is maintained.

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<sup>70</sup> Page 13 of Landscape Assessment of Rugby 2006 (Submission document LP34)

<sup>71</sup> Page 41 of submission document LP36

109. Concerns have also been raised about the potential visual impact of the proposed B8 employment allocation at SWR on the surrounding landscape and the nearby village of Thurlaston. The framework masterplan in the Draft Masterplan SPD for SWR<sup>72</sup> shows the indicative location of the employment area in the south west corner of the site adjacent to the junction of the A45/M45 junction. Whilst this would be well located for the strategic road network to support logistics uses, the potential scale of distribution buildings on this site could have a significant visual impact on the surrounding landscape and the setting of any nearby heritage assets, including Thurlaston Conservation Area, which lies just to the south of the A45 around 300m from the proposed employment allocation. I am satisfied the visual impact of large buildings could be mitigated by appropriate design measures, such as building height limitations and recessive colour palettes for external materials, together with structural landscaping. However, as submitted Policy DS8 does not provide such safeguards. Therefore, to ensure it is effective **MM45** adds a further criterion to Policy DS8 to require mitigation to be provided as part of any proposals brought forward.
110. In addition to farmland, the site contains a number of woodlands and biodiversity assets, most notably Cawston Spinney in the centre of the site, which includes areas of ancient woodland, and Cock Robin Wood within the eastern limb of the site, which is a local wildlife site. These comprise important habitats, which would be protected under Policy NE1, subject to the MMs discussed under Issue 12 below. They are recognised in Policy DS8 for incorporation into a comprehensive green infrastructure network to be provided as part of the proposed development, which should also mitigate the visual impacts of the development on the landscape. However, MMs are necessary to ensure the allocation is consistent with national policy and effective in minimising the impacts of development on biodiversity. Ancient woodland in particular is acknowledged in paragraph 118 of the NPPF to be an irreplaceable habitat, the loss or deterioration of which should be resisted. Maintaining an appropriate buffer of open space between buildings and the edge of Cawston Spinney will therefore be necessary, in line with the standing advice of Natural England, to ensure protection of plants, soils and wildlife from the effects of human habitation, including increased pedestrian access, pet predation and pesticides. In addition, a woodland management plan for the site as a whole and a continuous green and blue infrastructure corridor through the site to link Cawston Spinney and Cock Robin Wood and with other habitats are necessary to enhance biodiversity. Hydrological mitigation measures may also be necessary to prevent harmful impacts on the Draycote Meadows SSSI to the south of the SWR site. **MM45** and **MM48** incorporate these requirements into Policy DS8 and its supporting text.
111. A number of other known heritage assets lie close to the site, including Cawston Farmhouse, a grade 2 listed building on the north-western boundary, Bilton Grange, a registered park and garden and Dunchurch Conservation Area. The immediate setting of Cawston House lies outside of the site boundary and would be preserved. And the scale of SWR is such that a suitable buffer could be provided if that were considered necessary at the planning application stage. The grounds of Bilton Grange lie to the south of the A426, close to the gap

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<sup>72</sup> Appendix B to RBC Hearing statement on Matter 3, Issue 3b

between Rugby and Dunchurch. As such their setting should be preserved by the proposed green corridor and landscape separation area between the two settlements. Dunchurch Conservation Area lies within the heart of the village. There is limited inter-visibility between the Conservation Area and the SWR site, so any harm arising from new development on the village's heritage assets would be limited. I deal with the effects of traffic on the Dunchurch crossroads below.

112. The scale of the development proposed at SWR will generate significant levels of movement. However, Rugby has the widest range of employment, shopping, services and community facilities in the borough and the greatest provision of public transport. Therefore, in line with paragraph 34 of the NPPF, the site is located where the need to travel will be minimised and the use of sustainable transport modes maximised. Policy DS8 also provides for a range of shopping, services and facilities on site as part of the new neighbourhood, so further reducing the need to travel, together with improvements to public transport and a comprehensive walking and cycling network, which will further increase the opportunities to use sustainable transport.
113. Nevertheless, the development will generate a significant increase in traffic. The 2017 STA modelled the growth in traffic movements as part of the evidence base to test the overall development strategy considered above. Currently, the Dunchurch crossroads at the junction of the A426 and the B4429, through which a significant proportion of the traffic exiting and entering Rugby to and from the south flows, is congested at peak times. A junction improvement scheme at the crossroads is being implemented as part of the planning permission to accommodate the predicted traffic growth from 860 dwellings at Bilton Fields on Ashlawn Road. However, this will not provide sufficient capacity for significant further housing development in the south of Rugby.
114. Accordingly, the Plan proposes a new spine road network within the SWR site, to serve both the employment and housing areas, which the 2017 STA modelling shows would also relieve the Dunchurch crossroads. Policy DS8 requires the spine road to come forward in phases as part of the proposed development in line with milestones set out in the IDP. Policy DS9 allocates land for the road network. There are three key phases – the Homestead Link, which will by-pass and relieve Dunchurch crossroads, by 2026; the Potford Dam link from the A45/M45 junction to the A4071 western by-pass by 2031; and the Cawston Lane realignment by 2031. The Homestead Link in particular is required to be constructed before the major part of the development at SWR can be delivered. However, as submitted neither Policy DS9 nor the IDP in Appendix 3 include this phasing. **MM52, MM54, MM56** and **MM157** are necessary to ensure the Plan is effective in securing the phased delivery of the spine road and that development proposals, including those outside the SWR allocation, are not permitted ahead of the delivery of the Homestead Link, unless the residual impacts on the highway network are proven not to be severe.
115. Policy DS8 also requires further on-site and off-site measures to mitigate the transport impact as detailed in the Infrastructure Delivery Plan (IDP). However, not all of the schemes and measures identified in the STA are listed in the IDP at Appendix 3 of the submitted Plan. Accordingly, **MM157** is also necessary to include the full list of mitigation schemes in the IDP for the SWR site to ensure Policy DS8 is effective.



116. With regard to the alignment of the spine road network, the 2017 STA tested a series of options for the layout of the roads. Options with the Homestead Link running between the A426 and the B4429, rather than across to the Potford Dam Farm link, were shown to be amongst the best performing of the alternatives tested, and would require less highway infrastructure. The revised spine road network map shown in **MM51** is necessary to ensure the Plan is clear and effective in guiding the layout of the network at SWR in line with the STA. For clarity **MM53** updates the supporting text and the Council has also modified the Urban Policies Map to include the revised indicative layout. I note the concerns in representations on the main modifications about this particular alignment, but the 2017 STA shows it to be capable of accommodating the scale of development and trip distribution modelled. I am satisfied there is sufficient evidence to demonstrate for the purposes of this examination that the proposed alignment would be effective in delivering the SWR development. However, it is clear from the map in MM51 that the proposed layout is indicative. Further detailed design and testing can be undertaken both to inform the emerging SPD and planning applications and **MM52** allows for the alignment to be varied by agreement between the highway authority and the LPA in the light of that further technical work.
117. Delivery of the Potsford Dam Farm link relies on a short section of land outside the SWR boundary to connect to the A4071, which lays within the Green Belt. However, paragraph 90 of the NPPF regards local transport infrastructure which can demonstrate a requirement for a Green Belt location as not inappropriate development within the Green Belt. Although the land for this section of the link is not within the ownership of the consortium promoting the SWR site, **MM57** and **MM58** confirm that it will be secured to ensure delivery of the link by 2031 and if an alternative point of access onto the existing highway network is necessary the alignment of the spine road network shown in Policy DS9 can be varied. These MMs are necessary to ensure the Plan is clear and justified in how the Potsford Dam Farm link will be delivered. In the light of the representations on the MMs, I have amended the wording of MM57 to remove reference to the County Council securing the land for the highway link as it is not necessary for soundness to name a single organisation and the IDP indicates that the SWR consortium would lead the delivery of the spine road infrastructure. I have also amended the wording of **MM58** to make it clear that the alignment shown in Policy DS9 and the policies map is indicative.
118. The Air Quality Assessment (AQA) for the borough<sup>73</sup> shows an improvement in air quality at Dunchurch crossroads by 2031. Given that the AQA does not take account of the improvement in vehicle emissions over time with changes in technology, this will be as a result of the committed improvement scheme at the crossroads, which will reduce waiting times and improve the net speed of traffic through the junction, and the delivery of the SWR spine road network, which will enable through traffic to by-pass the village altogether. Air quality in other parts of Rugby, around the town centre gyratory and along the A426 to the north of the town, is predicted to worsen over the Plan period, in part as a result of growth in traffic attributed to SWR. However, Policy DS8 proposes a range of sustainable transport measures, including high quality bus services and a walking and cycling network, which would help to mitigate this by reducing the need to travel by car. Policy HS5, subject to the MMs discussed at Issue 11

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<sup>73</sup> Examination document OTH07

below, also requires major development schemes to achieve air quality neutral standards or to mitigate adverse impacts on air quality where this is not possible. This would apply to the SWR site. Accordingly, I have amended **MM45** to remove the separate requirement for the SWR development not to lead to further deterioration in air quality, as this modification would be unnecessary for soundness. Overall, I am satisfied that the location of the SWR, the transport mitigation measures proposed by Policy DS8 and the requirements of policy HS5 will enable the potential impacts of the development on air quality to be effectively mitigated.

119. In addition to transport infrastructure, a range of on-site services and facilities are proposed to support the development, including a secondary school, four primary schools, shops, a GP surgery, and emergency services provision. In the submitted Plan, the policy required these to be provided in four local centres, whereas the framework masterplan in the Draft Masterplan SPD shows a single mixed-use district centre. In addition the SoCG between the LEA and the developer consortium on school provision at SWR<sup>74</sup> confirms the need for two primary schools and an all-through primary and secondary school to support the development. To ensure the Plan is clear and effective for development management purposes and consistent with the evidence of infrastructure need, **MM45** amends the wording of Policy DS8 to reflect the Masterplan SPD and the education SoCG in respect of on-site facilities. The all-through primary and secondary school is shown in the masterplan as located close to rather than alongside the community facilities in the district centre and for clarity I have amended the wording in the MM accordingly. I have also amended the wording of the requirement for land for onsite fire and rescue provision to ensure this is clear the land must be made available.
120. The full range of infrastructure requirements for the site have been updated in the IDP (**MM144** and **MM157**) to ensure the Plan is positively prepared, including off-site contributions to primary healthcare facilities and library facilities. Other facilities may be required to meet the needs of the development, which may be identified through further technical work on the masterplan or planning applications. To ensure the Plan is positively prepared **MM45** includes an additional criterion to this effect, but I have amended the wording so that the location of facilities is not unreasonably restricted. In terms of waste water treatment infrastructure, whilst capacity at the Newbold treatment works, to where the SWR site would discharge, is limited after 2021, improvements to the Newbold works are possible and would be funded by Severn Trent Water.
121. As submitted, Policy DS8 also included a requirement for measures to minimise energy use and include renewable energy generation. However, for the reasons given above in relation to the policy for Coton Park East, this is no longer in line with national policy and is covered in elsewhere in the Plan. Accordingly, **MM45** deletes this requirement.
122. A site specific financial appraisal for the SWR site was submitted to the examination<sup>75</sup>, which demonstrates the development would be financially viable, with a policy compliant level of affordable housing at 30% and the full cost of

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<sup>74</sup> Examination document OTH18

<sup>75</sup> Examination document OTH06

the infrastructure listed for the site in the IDP. As modified, the IDP indicates that the development would be liable for a proportion of the cost of the highway works, to be established at the planning application stage based on trip distribution modelling in transport assessments. However, I am satisfied, based on the appraisal evidence, that the development could viably deliver the full cost of the SWR spine road network, schools and the other on-site community facilities and infrastructure discussed above, together with an appropriate apportionment of the cost of off-site infrastructure necessary to mitigate with impacts of the scheme.

123. The site is in a number of ownerships and being promoted by a consortium of developers. The Council does not expect the development to be brought forward through a single outline planning permission, but as a series of separate applications and phases. Accordingly, a comprehensive approach will be necessary to ensure the delivery of infrastructure, services and facilities to support the site as a whole. The Masterplan SPD will provide the framework for a comprehensive and integrated approach to the development of the site and Policy DS8 refers to it where appropriate. **MM45, MM46, MM47** and **MM50** modify the wording of the policy and its supporting text to ensure proposals are informed by the SPD and to resist piecemeal development. In places I have amended the wording of these MMs to ensure proposals for the site are not required to 'accord with' the SPD. As the SPD is not a development plan document and not subject to examination, it can provide more detail to inform successful applications, but to ensure it is consistent with national policy, the Plan cannot delegate policy status to the SPD which would be the case if proposals were required to accord with it. **MM45** includes an additional requirement for proposals to include details of phasing and trigger mechanisms for the delivery of infrastructure to ensure the policy is effective in delivering a comprehensive approach at the development management stage.
124. The housing trajectory at Appendix 2 to the Plan indicates that around 3,565 of the 5,000 dwellings in the SWR allocation will be delivered to meet the housing requirements of the borough to the end of the Plan period. The supporting text acknowledges that the growth targets for housing and employment may be revisited as a result of changing demands beyond 2031. Accordingly, the Council proposes to safeguard an area of land within the site for growth beyond plan period. The remaining land within the site outside the safeguarded area would be sufficient to meet the full employment and housing allocation. Such an approach would be consistent with paragraph 157 of the NPPF in taking account of longer term requirements. However, the safeguarded land was not included in the submitted Plan. Accordingly, it has been identified in a modification to the Policies Map which was subject to consultation. **MM49** includes supporting text to refer to the Policies Map and explain the status of the safeguarded land. This is necessary for clarity and effectiveness. I am satisfied that such a safeguarding provision would not alter the Plan's ability to meet the identified housing and employment requirements to 2031, nor undermine the overall viability of the SWR site.
125. With specific regard to the employment land proposed within SWR, a number of representations have questioned the appropriateness of restricting the allocation to B8 uses and suggested a wider range of business uses would be more appropriate, including technology and industrial uses. However, this is a suitable site for logistics adjacent to the strategic road network, it is capable of

accommodating large scale buildings subject to appropriate design and landscaping mitigation measures, and it would meet the priority need for B8 uses which the Employment Land Study confirms is the predominant element of the need for employment land in the borough<sup>76</sup>. Accordingly, the allocation for B8 uses is sound.

126. On the basis of the above analysis, I conclude that the allocation of South West Rugby for a strategic, mixed use housing and employment allocation and a SUE to Rugby is fully justified as part of the development strategy to meet the development needs of the Plan. Given the advanced stage of planning and the support of a multi-site development consortium, the site would make a useful contribution to the borough's 5 year housing land supply. Subject to the MMs to Policies DS8 and DS9 and the IDP, the mitigation measures proposed, and the provision of the infrastructure identified, I am satisfied that the site would be developable over the plan period and enable the delivery of sustainable development consistent with national policy.

#### *Lodge Farm*

127. Policy DS10 allocates land at Lodge Farm for a development of 1,500 dwellings with a range of supporting services and community facilities, which would create a new Main Rural Settlement in the borough. The site is located in the countryside to the south of Rugby, around 7 km from the centre of Rugby, 10km from Daventry and 20 km from Coventry.

128. Paragraph 34 of the NPPF expects plans to ensure that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. There is no dispute that a development at this scale would generate significant travel movement. Policy DS10 includes provision for a primary school, GP surgery and a local centre on-site, which would enable some day-to-day trips to be undertaken within the site. Secondary school provision would be met within the SWR allocation, and given that the distance to it from most properties on the Lodge Farm site would be greater than 3 miles, the LEA school bus service would provide transport for most pupils between Lodge Farm and SWR. However, for all other trips, the majority of employment opportunities, and all of the main retail, leisure and other community facilities likely to be accessed by residents of the development, are situated off-site. These are principally within Rugby, but for employment in particular, also at Daventry, Coventry, Leamington Spa, Warwick and other surrounding locations.

129. The Transport Strategy Report<sup>77</sup> submitted by the site promoter shows around 32% of trips generated from the site would be to destinations in Rugby, around 15% each to Coventry and Daventry and the remainder to other settlements in Warwickshire, Northamptonshire and Leicestershire. Whilst there may be potential for journeys to Rugby to be made by bus or cycle and to Coventry and Daventry by public transport, which I consider further below, almost 40% of trips from Lodge Farm would be to destinations where there is no realistic alternative transport other than the car.

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<sup>76</sup> Paragraph 9.2 of the submission document LP12

<sup>77</sup> Appendix to Technical Notes from Phil Jones Associates on behalf of St Modwen (OTH24a)

130. In terms of public transport, Policy DS10 requires the provision of a direct, high quality public transport link between the site, Rugby and Daventry. The County Council confirmed that there is currently no direct bus service between Rugby and Daventry via the A45 because it is no longer viable and the evidence to the examination from one of the principal bus operators in the area is that a development of 1,500 homes on its own could not viably support a bus service. However, in evidence to the hearings the Council advised that the public transport authority (PTA) has confirmed that a new bus route extending from Lodge Farm, via SWR to Rugby town centre and potentially to Coton Park East, would be the most commercially attractive in terms of maximising customer patronage.
131. I note the additional evidence on bus routes provided by the promoter of Lodge Farm attached to its representations to the MMs, which supports the view of the PTA that any bus service from Lodge Farm to Rugby would need to be routed through SWR. The precise routing of the bus service would be subject to the decisions of the operator and PTA on the most commercially viable route. As such the journey times for this service would be subject to how far buses would need to penetrate into SWR to make the service commercially viable. But it is clear that this would not amount to a high speed service from Lodge Farm to Rugby town centre. Based on the evidence, therefore, I am not persuaded that the attractiveness of this route by bus compared to a range of quicker and more direct journeys by car into Rugby would render the bus an attractive alternative to the private car for the journey from Lodge Farm to Rugby town centre. I recognise that the choice of transport mode is not just based on distance and speed, but the cost of parking and fuel are likely to be balanced against fares and the greater convenience of the car.
132. For journeys to Daventry, I note the potential to provide a mini-bus service with a 45 minute frequency to the industrial estates and town centre, to coincide with two start and finish times in the morning and evening. Even so, the frequency of such a service is unlikely to provide an attractive alternative to the car which would allow much greater flexibility of arrival and departure times to places of work in Daventry.
133. I also note the potential for a bus service to and from Lodge Farm to provide a public transport for HMP prisons at Onley, but again question the attractiveness and therefore the patronage of a bus service from Rugby to Onley compared to the directness and convenience of the journey by private car. Whilst I recognise that bus services could be revenue funded via a planning obligation for a period of time during the build out of the development, it is not at all clear from the range of evidence provided that the services to either Rugby or Daventry would become commercially viable.
134. Furthermore, the journeys to Rugby town centre and Daventry would be but two of a wide range of trips shown in the trip distribution modelling for Lodge Farm. Whilst travelling to other destinations by public transport would be possible, including Coventry city centre and Leamington Spa, these and most other journeys possible by public transport would require one or more changes of bus or a bus/train combination in the case of Coventry city centre. Based on the gravity model and passenger transport service evidence, other than for journeys to Coventry city centre, which would account for only 4% of journeys for Lodge Farm residents, for most travel to work and trips for retail or leisure purposes,

realistically public transport is unlikely to provide a convenient or attractive alternative mode of travel compared to the directness and convenience of the private car.

135. I have also considered the proposal to provide an off road cycle route along the A45 from Lodge Farm to the edge of Dunchurch by means of a planning obligation. However, the distance of 7km to Rugby town centre from Lodge Farm, which is significantly above the average distance of 4.8km for bicycle trips in the Midlands, the high speed of passing traffic on the A45 (50-60mph) and the gradient of the cycle route up the side of the Rainsbrook valley into Dunchurch, would be unlikely to render cycling as an attractive or convenient alternative to the car for most journeys to Rugby.
136. I recognise that national policy encourages the principle of new settlements as an appropriate form of development to meet the need for new homes. However, this does not negate the need to assess proposals for new settlements against the other aspects of national policy to determine their sustainability, which I have done above in respect of the need to maximise sustainable transport modes. Comparison has been made with new village locations elsewhere in the country which have been supported by Inspectors at appeal or in local plan examinations, including the development at Meon Vale in Stratford on Avon. However, I have considered Lodge Farm on its merits, in relation to the size of the development, the type of facilities proposed on site, the particular context of Rugby borough and the range of destinations residents of the development would need to access to meet day to day needs. There can be no precedent that leads automatically to a conclusion that because other new village locations in different contexts have been found to be sustainable in transport terms the site at Lodge Farm would also be.
137. Likewise comparison has been made between the suburbs of larger conurbations, such as Coventry, which may be a similar distance from the city centre as Lodge Farm is from Rugby town centre. However, whilst the distances may be comparable, the context and accessibility of such suburban locations is very different. The choice of sustainable modes of transport from suburban locations in Coventry to services and facilities locally and in the centre of the city will be significantly greater than that of a new village location in the countryside outside a market town, where the alternative choices by bicycle and bus are not favourable over the convenience of a journey by private car. This generally renders suburban sites as accessible locations, where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Both the Coton Park East and South West Rugby locations benefit from a higher level of accessibility by sustainable modes of travel already established within the town and greater proximity to a wider range of services and employment locations, which can be easily accessed on foot or cycle.
138. All of the evidence I have read, heard and seen on this issue reinforces my conclusion that Lodge Farm would have relatively poor accessibility, particularly by non-car modes, and in comparison with the other large scale allocations in the Plan. It is not a location where either the need to travel would be minimised or the use of sustainable transport modes can be maximised. Neither does the evidence submitted or my analysis of it above persuade me that Lodge Farm is a location which could be made sustainable in transport terms as expected for significant development in paragraph 17 of the NPPF.

139. Whilst paragraph 34 of the NPPF also notes that account needs to be taken of policies for rural areas, the emphasis in paragraph 55 of the NPPF is that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It is not apparent from the evidence that Lodge Farm would support existing surrounding rural communities to any significant extent, since its local facilities would be scaled to serve the needs of the new community.
140. Turning to landscape impacts, the Lodge Farm site is located within the Leam and Rainsbrook Valleys which form part of the Feldon Vale Farmlands (FVF) landscape character area, as defined in the Council's 2006 Landscape Assessment<sup>78</sup>. The assessment describes the FVF as characterised by broad, flat, low-lying clay vales with few roads or settlements, and medium to large fields in arable or pasture use, bounded by hawthorn hedges. There are well-preserved areas of ridge and furrow, and the surviving remains of deserted medieval villages. Settlements are few and far between, consisting mainly of small clusters of farmsteads and dwellings. This is consistent with the character of the landscape both on and surrounding the Lodge Farm site. Other than the poplar plantation in the centre of the site, it comprises flat, open fields, partially bounded by hedgerows, with evidence of ridge and furrow within the site, which is visible from the public footpath which runs across it. The surrounding area is likewise open farmland, with scattered farm buildings and dwellings and the small villages of Grandborough and Willoughby. The site is adjacent to the A45, giving it a high degree of visibility within the valley floor. The institutional buildings of HMP prisons at Onley create the one uncharacteristic urban form within the surrounding area, albeit these are set well back and not prominent from the A45.
141. The Landscape Assessment defines the FVF as of moderate overall landscape sensitivity. This combines both the natural and cultural fragility of the landscape and its visibility. The sensitivity assessment is a measure of the degree to which the countryside can accept change without causing irreparable, long term damage to the essential character and fabric of the landscape. The term 'change' is used in this context to refer both to potentially beneficial change, such as new woodland planting, as well as change brought about by new development.
142. In the borough of Rugby as a whole, the majority of the landscape is of moderate sensitivity to change. Whilst there are no low sensitivity areas on the urban fringe, the landscape surrounding the sites at SWR and Coton Park East has seen significant change through urban development since the 2006 assessment was completed. I note the point made by the site promoter that, other than a small area of low landscape sensitivity in the very north of the borough, the Lodge Farm site is therefore within the lowest area of sensitivity in the borough. However, this does not mean that the sensitivity or value of the landscape is therefore somehow diminished to the lowest level. To do so would fail to recognise the intrinsic character and beauty of the countryside, which is a core principle for planning in paragraph 17 of the NPPF.
143. The fact remains that the Lodge Farm site lies within a landscape where there is sensitivity to change, which the Council's assessment defines is at a moderate

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<sup>78</sup> Page 16 of submission document LP34

level. It is located in an area which retains much of its traditional character and appears to have undergone very limited change or development over the years. And it stands to reason that the degree to which change could be accepted within a landscape without causing irreparable, long term damage to the character and fabric of the landscape, will depend on the scale and nature of that change as well as its relationship to the character of the landscape.

144. The proposed allocation would result in the development of a new settlement of 1,500 new dwellings, with supporting facilities and infrastructure in an open, rural landscape. The Lodge Farm Village Vision document<sup>79</sup> gives an indication of the potential layout, form and scale of the development, including landscape measures in order to mitigate its impact. It is clear that the introduction of such a substantial urban form into this setting would be in sharp contrast to the distinctive and historic settlement pattern of the FVF landscape of small scale villages, hamlets and scattered farmsteads.
145. To understand the significance of the effect of this change on the landscape, I have considered the landscape and visual appraisal evidence for Lodge Farm submitted to the examination by the site promoters (prepared by Define)<sup>80</sup> and objectors to the proposal (prepared by The Landscape Partnership)<sup>81</sup>. I have also visited the location and the key viewpoints in the surrounding area from where the site is visible. Whilst the appraisals differ somewhat in their findings, they record that the majority of the site will be lost to development (Define) and that the proposal would result in comprehensive change from existing open arable landscape to predominantly residential development and associated open space (The Landscape Partnership). Whilst I acknowledge that the site is located in an area of moderate landscape sensitivity, it is difficult to avoid the conclusion reached by The Landscape Partnership that such a significant change in character would result in a major adverse effect on the landscape of the site and the surrounding area.
146. In terms of visual effects, the site sits on the valley floor and is seen from a number of nearby and more distant viewpoints. These include along the A45, the adjacent rural roads to Woolscott, Grandborough and Willoughby, footpath R241 from where it crests the ridge to the south-west of site and crosses the centre of the site, footpath EC7 on Barby Hill around 1.5km to the north east and various locations on the Rainsbrook valley escarpment to the south of Dunchurch around 3km to the northwest of the site. Overall, the conclusions of the appraisals are that the proposed new settlement would be likely to have major, substantial or very substantial adverse effects on visual amenity from nearby views and moderate adverse visual effects from more distant surrounding viewpoints from higher ground, which are consistent with my own observations on site.
147. The appraisals differ in the likely effects of mitigation measures once landscaping has become established. The site promoter's appraisal concludes that the landscape and visual effects will be substantially reduced after 15 years and the proposed development will successfully assimilate into the landscape. However, I do not share that view for the following reasons. In a landscape which is characteristically open and sparsely settled, with limited tree cover,

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<sup>79</sup> Appendix 1 to SoCG between RBC and St Modwen Developments 5 January 2018

<sup>80</sup> Landscape & Visual Appraisal by Define, Appendix 1 to the Lodge Farm Village Vision document

<sup>81</sup> Landscape response by The Landscape Partnership on behalf of Stand Against Lodge Farm Village



such a major development would remain conspicuous, particularly given its proximity to the A45, and landscape measures would do little to blend it into such an open landscape. The replacement of the poplar plantation with native species as part of a substantial development would not be beneficial to the landscape in overall terms. The urbanising effect of the proposed allocation and the prominence and visibility of the site within the valley, would cause long term damage to the essential character and fabric of the landscape.

148. It is for these reasons that I reached the view following the hearings that the proposed allocation would lead to significant harm to the intrinsic character and beauty of the countryside in this part of the borough. I have carefully considered the arguments put by the site promoter in response to the proposed main modifications in the light of the evidence, but I am not persuaded to come to an alternative judgement in respect of the landscape and visual impacts of the proposal.
149. In terms of its effects on the historic environment, whilst there are no designated heritage assets on the site, there are a number in the surrounding area, such as within the nearby village of Willoughby and at Dunchurch, which derive their significance in part from the setting provided by the historic landscape of the Leam and Rainsbrook valleys. The statutory listing for Dunchurch Lodge, a grade 2 listed park and garden on the south-east side of the village, describes the house, terraces and pleasure grounds as laying slightly below the crest of the south-east-facing Rainsbrook escarpment, and enjoying long views across farmland to the south and east. The potential impact of the proposed allocation on these landscape settings is recognised in the Heritage Statement prepared in support of the Lodge Farm Village Vision document<sup>82</sup>. Although Historic England did not raise any objections to the Lodge Farm proposal itself, nevertheless there appears to be potential for the allocation to lead to less than substantial harm to heritage assets given the extent to which the new settlement would be out of character with the surrounding landscape. In accordance with paragraph 134 of the NPPF this would need to be weighed against the public benefits of the proposal, which I deal with below.
150. The principal justification for the allocation at Lodge Farm given in the Plan and in the supporting evidence, is that the site is required to meet the overall housing requirement for the borough<sup>83</sup> and to maintain a continuous 5 year supply. The Housing Background Paper<sup>84</sup> highlights the advice in the Housing Market Delivery Study<sup>85</sup> that the Council should consider another major growth location away from Rugby town, in order to maximise delivery rates, given that beyond the first 5 years of the Plan period post adoption the supply of housing will rely predominantly on strategic sites in the Rugby urban area.
151. I consider the soundness of the Plan's housing land supply in more detail under issue 6 below. However, in relation to the need for Lodge Farm, since the Housing Market Delivery Study was published, the housing land supply set out in the Plan has increased from 13,664 dwellings in the publication draft Plan to 15,369 homes at the point of submission. In the revised housing trajectory<sup>86</sup>, the

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<sup>82</sup> Paragraph 7.2.2 of Heritage Statement prepared by Wessex Archaeology, Appendix 4 to LFVV

<sup>83</sup> Paragraph 4.34 of the submitted Plan

<sup>84</sup> Paragraph 3.101 of LP11

<sup>85</sup> Paragraph 7.17 of LP42

<sup>86</sup> Appendix 2 to the Housing Background Paper (LP11)

allocation at Lodge Farm is projected to deliver 665 dwellings within the Plan period, representing around 4% of the total housing supply in the Plan. Whilst I note the site promoter's evidence that the Lodge Farm development could deliver more than this within the Plan period, without Lodge Farm the remaining housing land supply would still exceed the Plan's housing requirement of 12,400 dwellings by more than 17%, which would be a comfortable surplus.

152. With regard to the need for Lodge Farm to ensure an ongoing 5 year supply beyond the first 5 years of the Plan period, again since the publication of the Housing Market Delivery Study the Council acknowledges that the number of national and medium sized housebuilders operating in Rugby has increased<sup>87</sup>. And based on this it is the Council's evidence in the updated housing trajectory, which has been informed by the promoters of the SUEs in Rugby, that sufficient outlets will be achievable in Rugby to deliver a rolling 5 year supply beyond the first 5 years of the Plan period post adoption. My assessment of this is set out in further detail under issue 6 below. Whilst I acknowledge that the site at Lodge Farm could further supplement the market and maximise housing delivery within the borough, given the already ample surplus within the housing supply from sustainable sites at Rugby and the MRSs, the evidence does not support the view that Lodge Farm is necessary to meet the Plan's housing requirement. Accordingly, based on the evidence before the examination, the proposed allocation is not justified in terms of housing market need and supply.
153. In terms of its contribution to the borough's infrastructure requirements, I understand that the Lodge Farm development could viably support its own infrastructure, including a contribution to the costs of the proposed new secondary school and spine road at South West Rugby<sup>88</sup>. However, from the evidence presented to the hearings<sup>89</sup>, the SWR development on its own would be viably able to deliver the full strategic transport and education requirements necessary to support that development, including the spine road network and Homestead Link around Dunchurch. Therefore, the Lodge Farm allocation is not needed to support of the infrastructure requirements of the borough.
154. I am satisfied that the impacts of the new settlement on flood risk, ecology and biodiversity, green infrastructure, air and water quality, and the safety and efficiency of the highway network could be mitigated. Although it would result in the loss of around 90 ha of agricultural land, it is classified as grade 3b, which is not amongst the best and most versatile and therefore the loss of agricultural land resource would be limited. Whilst these matters do not add to the weight against the soundness of the proposed allocation, they do not diminish the harm the proposal would cause in terms of its conflict with national policy for sustainable transport and its impact on the landscape and countryside.
155. In conclusion, the allocation would have relatively poor accessibility, particularly by non-car modes and in comparison with the other large scale allocations in the Plan. It would also be likely to have significant adverse effects on the landscape, again to a greater degree than is likely with the other allocations of comparable size, and cause less than substantial harm to the significance of heritage assets. Notwithstanding the justification set out in the Plan and the supporting evidence, there is not currently a need for this allocation to meet the

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<sup>87</sup> Paragraph 3.60 of LP11

<sup>88</sup> Updated Viability Report for Lodge Farm, CBRE (Examination document OTH25)

<sup>89</sup> SWR Strategic Development Appraisal, Dixon Searle (OTH06)

Plan's housing requirements. Indeed without it the Plan provides for an excess of housing land supply over the identified requirement of more than 17%. In the light of this, I find that the harm likely to be caused by development of this allocation would not be outweighed by the benefits.

156. On this basis, I conclude that the allocation of Lodge Farm as part of the Plan's development strategy is not justified as an appropriate site, nor an effective response to addressing the needs of Rugby and the unmet needs of Coventry nor consistent with national policy in enabling the delivery of sustainable development. Accordingly, in order to make the Plan sound, **MM31-32, MM37-39, MM59-MM65, MM140, MM145** and **MM160** are necessary to remove the proposed allocation at Lodge Farm from the Plan, by deleting Policy DS10 and its supporting text, and amending the relevant parts of the Housing Trajectory and the provisions in the IDP.

*Policy DS5 - Comprehensive development of strategic sites*

157. Policy DS5 sets out requirements for the strategic development of sites of over 100 dwellings. Although these matters are addressed within the site specific policies for Coton Park East and SWR, the policy is necessary to ensure any new strategic site coming forward which is not allocated in the Plan is developed comprehensively and delivers the infrastructure to mitigate its impacts. In the submitted Plan, Policy DS5 included a requirement for measures to minimise energy use and include renewable energy generation. However, for the reasons given above in relation to the policies for Coton Park East and SWR, this is no longer in line with national policy and is covered in elsewhere in the Plan. Accordingly, **MM41** deletes this requirement.

**Issue 5 – Are the proposed housing allocations at the Main Rural Settlements and at Coton House justified, effective and consistent with national policy?**

*Main Rural Settlements*

158. Policy DS3 of the submitted Plan includes 9 residential allocations of between 15 and 100 dwellings at 7 of the Main Rural Settlements (MRSs) in the borough. Whilst Policy GP2 supports development at the MRSs within the existing settlement boundaries, all of the proposed sites are located outside the settlement boundaries within the Green Belt. Therefore, other than the allocation at Wolvey Campus (DS3.14 in the submitted Plan), which would involve the redevelopment of an existing developed employment site, the proposed allocations at the MRSs require the alteration of Green Belt boundaries.
159. Paragraph 83 of the NPPF requires that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of a Local Plan. The exceptional circumstances put forward by the Council are that these sites are required to provide for rural housing needs; to support the role of the MRSs as sustainable rural communities; and to ensure a 5-year housing land supply on adoption of the Plan.
160. There is a need for further modest levels of housing development at the MRSs to provide for rural affordable housing needs. Local housing needs surveys<sup>90</sup> submitted for a number of the MRSs confirm that there are needs for affordable

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<sup>90</sup> Housing Needs Surveys for Binley Woods, Stretton on Dunsmore, Wolston and Wolvey (OTH51-54)

housing and housing for those with local connections. Sites within the village boundaries are often below the threshold of 11 dwellings at which affordable housing is required. And whilst the Plan continues to support rural exception sites adjacent to the edge of the MRSs and rural villages in line with national policy, the Council states that this has not delivered significant rural housing in the past. The MRS allocations at the scale proposed will enable the delivery of affordable housing in these villages in line with Policy H2.

161. Paragraph 55 of the NPPF encourages housing in rural areas to be located where it will enhance or maintain the vitality of rural communities and support village services. Paragraph 84 also expects the review of Green Belt boundaries to take account of the need to promote sustainable patterns of development, including channelling development towards villages inset from the Green Belt. The Rural Sustainability Study identifies the MRSs as the most sustainable rural settlements in the borough with a range of local facilities. The provision of some limited housing development at the MRSs will help to sustain these facilities and the rural communities they serve.
162. With regard to the 5 year housing land supply, due to the past record of under delivery against the Core Strategy housing requirement, in preparing the Plan the Council has applied a 20% buffer to the housing land supply for the assumed first 5 years following adoption of the Plan (2018-23), to provide a realistic prospect of achieving the planned supply in line with expectations of paragraph 47 of the NPPF. Whilst the existing commitments and the proposed SUEs on the edge of Rugby would be sufficient to meet the Plan's overall housing requirement, there would not be enough land coming forward from these sources in the first 5 years to meet the stepped up housing requirement. This is principally due to the capacity constraints on the existing highway network and lead in times for the delivery of highway mitigation schemes, in particular the spine road infrastructure at SWR. The 5 year requirement including the back log and a 20% buffer for past under delivery, would be 4,706 dwellings. But the 5 year supply without the MRS sites would be 4,702 dwellings.
163. The Council considered the alternatives for meeting this requirement without going into the Green Belt. The SHLAA evidence demonstrates there is insufficient urban capacity within the urban area boundaries of Rugby and the MRSs<sup>91</sup> or within the smaller Rural Villages. Although the MRSs at Dunchurch and Clifton upon Dunsmore are outside the Green Belt, these share the same housing market as Rugby, and are close to SWR and Rugby Radio Station where there is already significant housing delivery. As such any sites in these two settlements would be unlikely to provide outlets to supplement those at the SUEs. And it is common ground that the Lodge Farm allocation, even if were to be retained in the Plan, could not deliver any more housing in the first 5 years post adoption than that set out in the housing trajectory, as it would be similarly constrained by the timescale for the delivery of the Homestead Link part of the SWR spine road network before further housing development could take place.
164. The MRS allocations would ensure the necessary capacity within the housing land supply post adoption, diversifying the portfolio of sites to supplement the primary sources of supply around Rugby. They would create housing market locations away from the Rugby urban edge and closer to Coventry, helping to address the unmet needs of the city. And they would offer a range of smaller

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<sup>91</sup> Table 2 of the Housing Background Paper (LP11)

sites providing opportunities for small and medium sized house builders not currently represented in the borough. In turn this would help to boost the rate of delivery within the first 5 years following adoption, to meet the step up in the housing requirement from the point of adoption.

165. I have considered this issue in the light of the 2018 Housing Delivery Test (HDT) published in February 2019, which will apply to the calculation of the 5 year housing requirement and land supply following the adoption of the Plan. Under the 2018 HDT, only a 5% buffer will need to be applied to the supply in sites in Rugby borough to ensure choice and competition in the market for land. This would reduce the 5 year requirement to around 4,118 dwellings<sup>92</sup>, against which, in the absence of the MRS sites, there would be a 5.7 year supply<sup>93</sup>. However, the HDT is updated each year and such a surplus may not offer sufficient flexibility should delivery of existing sites reduce and a future HDT require a 20% buffer.
166. Therefore, based on all of the evidence, I am satisfied that allocations at the MRSs are necessary to ensure a deliverable supply of housing sites in the first 5 years following adoption of the Plan. However, not all of the sites are required, which I return to below in considering the justification for each site.
167. The above factors combined with the absence of opportunities within settlement boundaries in principle justify altering the boundaries of the Green Belt around the MRSs. I consider below whether exceptional circumstances are fully demonstrated for each proposed MRS allocation having regard to the specific Green Belt harm which would be likely to be caused and other relevant considerations.
168. In terms of the process for the selection of the MRS site allocations, the Site Allocations Development Packs for each MRS<sup>94</sup> assessed a range of sites for each settlement drawn from the SHLAA evidence, including those promoted through the Plan preparation process. Each site was assessed for suitability and deliverability against a number criteria including impacts on flood risk, heritage, biodiversity, agricultural land, green belt and landscape; proximity to services; and highway access and safety. Statutory bodies were consulted on the capacity of local infrastructure to support further development including transport, school places, health facilities, power and water supplies. The packs also confirm that discussions on site selection were held with local communities through the Parish Councils. Reasons for selecting and rejecting sites are clearly set out and justified. Overall, the evidence demonstrates a thorough and proportionate process of site selection for the MRS allocations, that reasonable alternatives were considered, appropriate selection criteria were used, and a robust assessment was carried out against those criteria.

### Binley Woods

169. The site on land at Sherwood Farm (DS3.6) comprises a residential property, farm buildings and an area of agricultural land on the north side of Binley Woods. It is bounded to the south by the A428 Rugby Road, which is the main road running through the settlement, and is enclosed on its north and east sides by New Close wood, a local wildlife site containing ancient woodland. The western boundary of the site is tree lined.

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<sup>92</sup> HDT based 5 year requirement calculation:  $(663 \times 5 + 607 \text{ undersupply}) \times 1.05 = 4118 \text{ dwellings}$

<sup>93</sup> Housing land supply without MRS sites using HDT: Annual requirement is  $4118/5 = 823.6\text{dpa}$ ; Supply of 4702 dwellings/ $823.6 = 5.7 \text{ years}$

<sup>94</sup> Submission documents LP44-LP50

170. In terms of its contribution to the Green Belt, the Joint Green Belt Review<sup>95</sup> concludes that the larger parcel of land in which it sits plays a medium role in preventing Binley Woods merging with Coventry. However, the site proposed for allocation sits in the south-east corner of the larger parcel and performs a very limited role preventing coalescence. A development at the scale proposed and shown on the indicative plans in the Site Allocations Development Pack, would replace the existing farm buildings and continue the frontage development along Rugby Road. Whilst it would result in the loss of a small area of open land within the site, it would not encroach significantly on the countryside or cause harm to the surrounding landscape. As such the allocation would result in limited harm to the purposes of the Green Belt in this location.
171. Binley Woods has a good range of local facilities including a primary school, village hall, convenience store and post office and the site is within walking distance of these. The allocation would help to sustain these facilities and meet the affordable and local housing needs of the village. Policy DS6 would ensure a contribution to improve the capacity of school and community facilities if required. Whilst none of the rural settlements in the borough support secondary schools, needs are met within Rugby and the LEA provides for home to school public transport for secondary school places throughout Warwickshire. I deal separately with secondary school provision to meet the planned housing growth under issue 14 below.
172. The site is allocated for up to 62 dwellings in the submitted Plan. However, the site promoter has demonstrated that the allocation could accommodate up to 75 dwellings without causing any further encroachment onto the countryside and still maintaining an adequate landscape buffer to the ancient woodland. Policies DS6, NE1, NE4 and SDC2, subject to the MMs discussed elsewhere in this report, should all ensure appropriate treatment of Green Belt boundaries and mitigation of landscape and biodiversity impacts at the planning application stage.
173. Therefore, and bearing in mind my conclusion in paragraph 167, I am satisfied that exceptional circumstances exist to justify altering the Green Belt boundaries on the north side of Binley Woods to accommodate the housing allocation on land at Sherwood Farm. **MM31** increases the allocation to 75 dwellings, as the additional dwellings will make an effective further contribution to the 5 year supply post adoption. Subject to this, I conclude that this allocation is justified, effective and consistent with national policy.

#### Long Lawford

174. The site at land off Coventry Road (DS3.8) is currently in use for grazing, but is classified as Grade 3 agricultural land and therefore not considered to be high value agricultural land. It is bounded to the north, east and west by residential development and to the south by the A428 Coventry Road, which forms the southern edge of the built up area of Long Lawford to the east and west of the site. The Joint Green Belt Review concluded that the site no longer fulfils the 5 purposes of including land within the Green Belt set out in paragraph 80 of the NPPF. The A428, reinforced by a mature field hedgerow, forms a strong and defensible boundary, which separates the site from the open countryside to the south. As such its development for housing would neither encroach onto the countryside nor threaten coalescence with Rugby.

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<sup>95</sup> Coventry and Warwickshire Joint Green Belt Review – Part 1 2015 (LP30)

175. The site is allocated for up to 100 dwellings in the submitted Plan. However, the site promoter considers it is capable of accommodating 150 dwellings. Based on the site area of 6.5 ha and the number of dwellings permitted and now mostly constructed by the same housebuilder on the comparably narrower site to the north, I am satisfied that the allocation could accommodate around 150 dwellings, with appropriate green infrastructure and landscape mitigation, at a density consistent with the existing settlement and without further landscape or Green Belt harm. A further 50 dwellings in this location would make a useful additional contribution to rural housing needs, including affordable housing, and to the 5 year supply post adoption.
176. Long Lawford has good range of local services, including a village hall, convenience store and primary school all within walking distance of the site. The village is around 3km from Rugby town centre. And the site is within 100m of a bus stop with a regular bus service running between Rugby and Coventry, including the university hospital at Walsgrave. Long Lawford primary school is being expanded to 3 forms of entry and the LEA confirmed it would be able to accommodate the additional demand from up to 150 dwellings. The allocation would help to sustain these facilities and services.
177. The site's previous biodiversity potential as a grassland habitat has been harmed due to over grazing. However, ecological mitigation could be introduced as part of any proposal through the application of Policy NE1. The Heritage Asset Review<sup>96</sup> confirms that the setting of the grade 2 listed Avon Lodge on the south side of the A428 could be preserved by the layout of dwellings on the site. The Highway Authority indicated the site could be accessed from Back lane and via a new junction onto the A428. Off-site mitigation, such as a contribution to improvements to the town centre gyratory could be achieved under the terms of Policy DS6. The site promoter confirmed at the hearings that this would not affect site viability.
178. Accordingly, and bearing in mind my conclusion in paragraph 167, I find that exceptional circumstances exist to justify altering the Green Belt boundaries at Long Lawford to accommodate the housing allocation on land off Coventry Road. **MM31** increases the allocation to 150 dwellings. Subject to this, the allocation is justified, effective and consistent with national policy.

#### Ryton on Dunsmore

179. The site at Leamington Road (DS3.9) is allocated for up to 75 dwellings in the submitted Plan. It is currently in use as a training ground for Coventry City FC, but the club is in the process of securing a site for a new facility which better meets its future needs. The site is substantially enclosed by mature conifer trees, with residential development to the north-east, commercial and industrial buildings to the south-west, the A445 Leamington Road along its north-western boundary and a fishery with substantial lakes to the south-east. Views of the site from the countryside to the south and east are largely screened by landscaping around the fishery, so the visual impact of development on the countryside would be limited.
180. The site forms part of a larger parcel of Green Belt to the south-east of the settlement which the Joint Green Belt Study assesses as having a medium Green

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<sup>96</sup> Submission document LP38

Belt role in preventing Ryton on Dunsmore and Stretton on Dunsmore from merging and checking ribbon development along Leamington Road. However, the site only forms a small part of the Green Belt parcel on its western edge and its development for housing would not threaten coalescence with Stretton. Strong and defensible boundaries and the adjacent commercial sites to the south-west would also protect against ribbon development. Likewise the presence of the fishery to the south-east would prevent encroachment on the countryside. Overall, whilst the proposed allocation would result in the development of a site which is currently open, it would cause very limited harm to Green Belt purposes.

181. Ryton on Dunsmore is a sustainable settlement with a range of services and facilities including a primary school, village hall, convenience shop and post office, all within reasonable walking distance of the site. The LEA advises that the primary school would be able to accommodate the additional pupils generated by development of the site. There are also significant employment opportunities at Prologis Park, Ryton and at other sites close to the village. The development of an additional 75 homes would help to sustain the settlement's facilities and provide for housing needs to support employment in this part of the borough.
182. The footnote to Policy DS3 requires the replacement of the playing pitches on the site before any housing development could be implemented. Accordingly, questions were raised at the hearing about whether the site is genuinely deliverable within the first 5 years post adoption. However, the football club confirmed at the hearing that a replacement site has been secured with a 2-year option to purchase subject to planning permission, allowing 3 years for the new facility to be built and housing to be constructed at Ryton. I am satisfied this would be a deliverable timescale. **MM31** amends the wording of the footnote to ensure the replacement of the full sports training facility, including both playing pitches and buildings, to ensure consistency with paragraph 74 of the NPPF.
183. Therefore, bearing in mind my conclusion in paragraph 167, I find exceptional circumstances exist to justify altering the Green Belt boundaries at Ryton on Dunsmore to accommodate the housing allocation at Leamington Road. Subject to **MM31**, the allocation is justified, effective and consistent with national policy.

#### Stretton on Dunsmore

184. Two sites are proposed in the submitted Plan for allocation in Stretton - one for up to 25 dwellings on the Old Orchard at Plott Lane (DS3.10); and the other for up to 50 dwellings on land off Squires Road (DS3.11). Both sites are on the western edge of the village where development would have a much more limited impact on the landscape setting of Stretton and on the Conservation Area than alternative sites considered by the Council to the west of Fosse Way.
185. The site at Plott Lane is largely contained by residential development to the north and east, the maturely landscaped gardens of the Grade 2 listed Manor House to the south and a recreation ground to the west. Whilst the site sits outside the settlement boundary defined in the Core Strategy, its western boundary aligns with the built up edge of Stretton, such that it appears to sit within the village envelope. Consequently its development in line with the allocation would have little impact on the character of the countryside to the west of the village.



186. The Joint Green Belt Study states that the parcel of land of which it forms part will prevent ribbon development along Plott Lane. However, the recreation ground would contain this and act as a buffer to prevent the development of the site encroaching on the countryside beyond. The western boundary with the recreation ground, with suitable supplementary landscaping, would form a strong and defensible boundary to the Green Belt. Therefore, although the allocation would result in the development of a site which is currently open, it would cause very little harm to the purposes of the Green Belt.
187. Whilst development of the site has the potential to affect the setting of the Manor House, there is a dense conifer tree screen along the southern boundary. Subject to its retention or replacement with native species and careful attention to the scale and height of dwellings on the site, the impact of development on the listed building could be appropriately mitigated. Likewise this would limit the effects of development on views of the Parish Church and the setting of the Conservation Area further to the south-east. This would be secured by the wording of Policy DS6 and by the inclusion of the additional criterion on the historic environment within **MM42**, which is necessary to ensure the allocations at the MRSs are consistent with national policy in this regard.
188. The land off Squires Road forms part of an agricultural field at the north-western corner of Stretton. The Joint Green Belt Study identifies the site as part of a larger Green Belt parcel to the north-west of Stretton, which has a role in preventing ribbon development along School Lane and Plott Lane and safeguarding the countryside from encroachment. However, the site is located adjacent to the urban edge of Stretton, bounded to the east by Knightlow Primary School and to the south by residential development. Development in accordance with the allocation would effectively square off this corner of the village, without extending the settlement beyond its existing western and northern limits. As such, whilst its allocation would result in the development of land which is currently open, it would cause little harm to the role and purposes of the Green Belt in this location.
189. Whilst the northern and western edges of the site are currently set against open landscape, the pattern of smaller scale fields bounded by hedgerows and the presence of small copses to the west and north would have some effect in screening housing in views from the A45 and Freeboard Lane. The landscape assessment in the Site Allocation Pack concludes that the site would be appropriate for development providing a landscape buffer of native trees and shrubs were planted along the western and northern edges. This would help to form an effective permanent boundary to the Green Belt at this point and mitigate views from the footpath running across the field to the west, albeit these are already framed by the back drop of the existing 20<sup>th</sup> century housing estate to the south which this allocation would be a continuation of. I am satisfied that such landscaping could be secured at the planning application stage through the application of relevant criteria in Policies DS6 and NE4. There are distant also views of the church tower in the centre of the village from the public footpath, but these would be largely unaffected by development of the proposed allocation.
190. Stretton is well supported by local services and facilities including a primary school, village hall, doctor's surgery, convenience store and post office. Both sites are within walking distance of the school, the surgery and the village centre, along safe paths. The village also has direct access to the A45, with employment facilities at nearby Ryton. The LEA confirmed at the hearings that

although the primary school has limited capacity, around 50% of pupils are from outside the school priority area and that over time the school could increase its intake from within the village to accommodate pupils from the two sites. Although traffic from both sites would exit onto Plott Lane, the Highway Authority advised that safe access could be achieved.

191. The development of 75 additional homes in Stretton would help to sustain the settlement's facilities and provide for local and affordable housing needs. Whilst the housing needs assessment for Stretton identified an immediate need for only 2 local housing need dwellings, the survey was dated 2011 and the SHMA identifies an ongoing need for affordable housing in the borough over the Plan period to which the allocations in Stretton would make a useful contribution in a sustainable location. They would also contribute to a deliverable 5 year supply post adoption.
192. Therefore, and having regard to my conclusion in paragraph 167, I am satisfied that exceptional circumstances exist to justify altering the Green Belt boundaries at Stretton on Dunsmore to accommodate the housing allocations at Plott Lane and Squires Road. Accordingly, I conclude that the allocations are justified, effective and consistent with national policy.

#### Wolston

193. The site at Linden Tree Bungalow (DS3.12) is allocated for up to 15 dwellings in the submitted Plan. It comprises garden land and a former nursery to the rear of houses on Warwick Road, which is fully enclosed by mature trees and hedgerows along its around its southern, western and eastern boundaries and by the rear boundaries of the residential properties to the north. The Joint Green Belt Study assesses the site as part of a larger parcel of open and agricultural land to the south and south-west, which plays a role in preventing ribbon development along Warwick Road. However, due to its location and enclosure, development of the allocation would neither extend dwellings further along Warwick Road nor encroach onto the open countryside to the south of the village. As such the allocation would cause little harm to the purposes of the Green Belt nor to its openness and have no significant impact on the character of the surrounding landscape.
194. Access to the site may require the partial demolition of the existing bungalow. But from my own observations on site and the evidence of the Highway Authority, there would be adequate width and visibility to create a safe vehicular and pedestrian access onto Warwick Road. The site is within walking distance of the centre of Wolston where all of the main facilities are located.
195. Wolston is a sustainable settlement with a good range of local facilities including a primary school, doctors surgery, post office, convenience store, village hall, library and parks. Despite this, the site at Linden Tree Bungalow is the only housing allocation proposed at Wolston. Whilst 15 dwellings would contribute to meeting local housing needs and to the 5 year supply post adoption, it represents a very modest level of growth compared to the other MRSs. The principal reason given for this is the constrained capacity of Wolston St. Margaret's primary school, which the LEA confirmed has no further room for expansion. Other sites were assessed by the Council, but none were considered suitable due to access constraints, a lack of deliverability and impacts on the Green Belt, landscape and historic environment. On this basis I am satisfied that the choice of site is justified and that no further housing allocations at Wolston would be appropriate or necessary for soundness.

196. Therefore, and bearing in mind my conclusion in paragraph 167, I find that exceptional circumstances exist to justify altering the Green Belt boundaries at Wolston to accommodate the housing allocation at Linden Tree Bungalow. I conclude that the allocation is justified, effective and consistent with national policy. For clarity I have amended the site address in **MM31** as Linden Tree Bungalow is located in Warwick Road rather Wolston Lane as was stated in the submitted Plan and the MMs published for consultation.

#### Wolvey

197. The site at Wolvey Campus, Leicester Road, Wolvey (DS3.14) is an existing employment site in the Green Belt. It is allocated in the submitted Plan for development of up to 85 dwellings, but is not proposed for release from the Green Belt. National policy regards the construction of new buildings as inappropriate development in the Green Belt. However, exceptions to this include the redevelopment of previously developed sites, whether redundant or, as in this case, in continuing use, which would not have a greater impact on the openness of the Green Belt or the purposes of including land within it. The indicative masterplan submitted by the site promoter in written evidence to the hearings shows that development of 85 dwellings could be accommodated within the existing developed footprint of the site. Therefore, I am satisfied that the allocation would not require the alteration of Green Belt boundaries and that there is the potential for an application for its development to be favourably considered against national Green Belt policy.

198. Wolvey Campus is located within an area of high landscape sensitivity, but the redevelopment of the existing commercial buildings would provide an opportunity to reduce the impact of the site on the surrounding landscape through the application of Policies NE4 and SDC2. Likewise, the provisions of Policies NE1 and SDC3, subject to the modifications discussed elsewhere in this report, should ensure development of the site would protect or enhance the biodiversity of the Wolvey Rush Local Wildlife Site and preserve the setting of the adjacent row of listed cottages. Although located outside the village, the campus is also within walking distance of the village centre and Wolvey primary school along safe and convenient footpaths. Therefore, it is a suitable location for housing.

199. Whilst the campus site is currently in employment use, the evidence to the examination is that the existing operator's lease will expire within 3 years post adoption, allowing time to relocate to an alternative site. The Employment Land Study suggests an available supply of employment land and premises in the borough for relocation. The 3 year period would allow an adequate lead in time for detailed planning permission to be secured, leaving 2 years for demolition and construction of housing. Therefore, although the site is not available for development now, I am satisfied its redevelopment is achievable and that there is a realistic prospect of the housing allocation being delivered within 5 years post adoption.

200. The site on land at Coventry Road (DS3.13) comprises a small field and some residential garden land adjacent to the settlement boundary on the south-eastern edge of Wolvey. The site is bounded by residential development to the north and to the west along Coventry Road. It is also enclosed by a roadside hedge along its western boundary, mature trees on its eastern boundary and a farm building to the south. As a result the land is visually detached from the open countryside to the south of the village and its visibility is limited from the south and east. Therefore, its development for 15 dwellings, against the

existing urban edge of the village, would cause little harm to the character of the surrounding landscape.

201. The Joint Green Belt Study considers that the parcel of Green Belt to the south of Wolvey which the site sits within, plays a role in restricting urban sprawl by helping prevent ribbon development south along Coventry Road and safeguarding the countryside from encroachment. However, the allocation constitutes a small part of the overall parcel in its far north western corner. The southern edge of Wolvey extends some way south of the site on the western side of Coventry Road, such that its development in line with the allocation would not result in ribbon development. The enclosed nature of the site and the buffer of the farm building along its southern boundary also means that its development would not encroach on the countryside. As such, whilst its allocation would result in the development of land which is currently open, it would cause little harm to the role and purposes of the Green Belt in this location.
202. The site is close to the centre of the village, within easy walking distance. Wolvey is a sustainable settlement with a range of local facilities including a primary school, surgery, village hall, post office and convenience store. The LEA confirms that the primary school has capacity to accommodate pupils generated both by this and the campus site. The two sites would help to meet rural housing needs in the northern part of the borough, and as such are supported by the Parish Council. They would also contribute to a deliverable 5 year housing land supply post adoption.
203. Therefore, and bearing in mind my conclusion in paragraph 167, I am satisfied that exceptional circumstances exist to justify altering the Green Belt boundary at Wolvey to accommodate the housing allocation on land off Coventry Road. For this and the reasons given above, I find that both allocations are justified, effective and consistent with national policy.

#### Brinklow

204. The submitted Plan allocates land off Lutterworth Road at Brinklow (DS3.7) for up to 100 dwellings. The site comprises an open, arable field to the north of the village of Brinklow. Whereas the other MRS allocations either comprise an existing developed site or are located against the urban edge of the settlement, the site at Brinklow is detached from the existing settlement edge. There is a small row of dwellings on the western side of Lutterworth Road opposite the site and a single house and small scale pumping station building on the eastern side of the road. However, that constitutes sporadic, ribbon development in the countryside on the approach to Brinklow from the north. The context is otherwise rural. It is described in the Council's Landscape Sensitivity Study 2016 as medium scale, mixed farmland and a rural landscape, with rural views into surrounding fields and of trees in the cemetery to the north of the village.
205. In this context, the development of 100 dwellings in line with the allocation would create a residential estate to the north of the village, which would have a strongly urbanising effect on an otherwise attractive rural landscape. I have carefully considered the Council's landscape evidence and that submitted by the site promoter, alongside my own observations of the site and its surroundings. In terms of the visibility of the site, whilst the site is bounded by dense vegetation on its eastern side adjacent to the Oxford Canal, and there are trees and hedgerows on its northern, southern and western boundaries, the site is not visually enclosed and can be clearly seen in views from the north and west.

206. The presence of floodplain to the Smite Brook on the northern part of the allocated site, means that development would be concentrated on the southern half of the site. On the approach to the village from the north along the Fosse Way, the southern part of the site is clearly visible at many points along that route from the bridge over the Oxford Canal to the site's northern boundary at the Smite Brook. There are also views into the site from Lutterworth Road along its western boundary via gaps in the roadside vegetation. And the site is visible from the public footpath along its northern boundary which leads to the canal towpath. Although supplementary landscaping would help to filter views, development would still be clearly visible, particularly when the trees are not in leaf.
207. For these reasons, I find that the allocation fails to take account of and recognise the intrinsic character and beauty of the countryside in this location, which is a core planning principle in national policy. Reducing the allocation to 50 or 60 dwellings, as suggested in representations on the MMs, would not overcome this harm.
208. The site also makes an important contribution to the Green Belt around Brinklow. It forms part of a larger parcel of land to the north and east of the settlement, which the Joint Green Belt Study assesses as performing a strong role in checking the unrestricted sprawl of Brinklow. Due to the openness of the site and the lack of urbanising development within its boundaries, it also assists in safeguarding the countryside from encroachment on the north side of Brinklow. Development in accordance with the allocation would result a significant urban encroachment into the countryside. In turn this would cause significant harm to the openness and purposes of the Green Belt around Brinklow.
209. Brinklow is also an historic village, with a distinctive linear form focused on Broad Street and the church of St John the Baptist, and a Norman Motte and Bailey castle, a Scheduled Monument, on the north-eastern edge of the village. The special historic and architectural interest of this part of the settlement is recognised in its designation as a Conservation Area. Whilst there is a large modern 20<sup>th</sup> century housing estate on the south side of Brinklow, to the north it retains its linear form as the village filters out into the open countryside. The Council's Heritage Asset Review<sup>97</sup> confirms that the site frames the heritage assets at Brinklow and contributes to their significance.
210. Part of the setting of the Conservation Area as described in the character appraisal is the approach from the north through the rural landscape. The Heritage Asset Review confirms that the loss of this site to housing would cause harm to the setting of the Conservation Area. It states that as a result of the development of the allocation, the Conservation Area would be sandwiched between two modern housing estates, which would result in harm to the historic relationship between the rural area and the village. The size and form of the allocation would result in development discordant with the historic linear form and character of Brinklow, which is part of the significance of the Conservation Area as a heritage asset.
211. With regard to the Motte and Bailey castle, the Heritage Asset Review identifies the elevated position of the mound and its location in the open countryside as important to the significance of the asset in terms of its historical and aesthetic value. At the highest point of the town, views are gained across the countryside from the castle. The Review states that the main harm to the significance of the

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<sup>97</sup> Submission document LP38

Scheduled Monument would be the intrusion of a large number of dwellings into the landscape, urbanising those views. I have carefully considered the heritage evidence submitted by the site promoters in the light of the Heritage Review and my own observations on site. Whilst I acknowledge that there is vegetation between the castle and the site along Ell Lane and the route of Oxford Canal, this would not screen out views of the southern part of the site entirely and there would be inter-visibility between the two, which supplementary landscaping would not mitigate, particularly when trees are not in leaf. I recognise the urban edge of the settlement along Ell Lane and Lutterworth Road is also in view looking north from the castle, but the addition of up to 100 dwellings would notably alter that view, to the detriment of the landscape setting and significance of the asset. Overall, the harm to heritage assets would be less than substantial, but this needs to be weighed in the balance against the benefits of the proposed allocation.

212. As with other MRS allocations, the provision of 100 dwellings would help to sustain services and facilities in the village and contribute to local housing needs. However, I have not been provided with specific evidence of such a level of housing need in Brinklow as to outweigh the harm that would result from development of the allocation on the landscape, the purposes of the Green Belt and heritage assets at Brinklow. And in terms of its contribution to a 5 year housing land supply post adoption, I am satisfied that the increase the capacities of the MRS allocations at Long Lawford and Binley Woods, subject to the MMs discussed above, would in large part compensate for the absence of housing provision at Brinklow.
213. For these reasons, I conclude that exceptional circumstances do not exist to justify altering the Green Belt boundaries at Brinklow to accommodate the housing allocation on land off Lutterworth Road, that the allocation is not justified and that it would conflict with national policy. Accordingly, in order to make the Plan sound site allocation DS3.7 must be deleted. Modifications contained in **MM31, MM35, MM43, MM140, MM146, MM150** and **MM159** are all necessary to remove the site from the Plan by deleting references to it in Policy DS3, the supporting text, the Housing Trajectory and the IDP.
214. Overall, subject to the deletion of the site allocation at Brinklow and the MMs set out above, I conclude that there are exceptional circumstances for altering the Green Belt boundaries at Binley Woods, Long Lawford, Ryton on Dunsmore, Stretton on Dunsmore, Wolston and Wolvey to provide for housing; and that the housing allocations proposed at these MRSs are justified as the most appropriate sites, will be effective in sustaining rural communities and supporting the delivery of a 5 year housing supply post adoption, and consistent with national policy in enabling the delivery of sustainable development.

#### *Other Green Belt Boundary Alterations*

215. The submitted Plan included two further areas of land for release from the Green Belt – at Brownsover Road on the north-western edge of Rugby and at Junction 2 of the M6 on the edge of Coventry. However, neither parcel of land is required to meet the objectively assessed development needs of the borough or the unmet needs of Coventry considered above. There has been no objective assessment of the need for development beyond the end of the Plan period that would enable any conclusions to be drawn about the need for alterations to the Green Belt boundary to safeguard land between the urban edge and the Green Belt to meet longer term development needs.

216. Whilst the land at Junction 2 of the M6 is one of the low performing Green Belt parcels assessed in the Joint Green Belt Study, which it suggests could be considered for removal from the Green Belt, this alone does not constitute exceptional circumstances for altering the Green Belt boundary. And the existing Green Belt boundaries formed by the urban edge of Rugby and the M6 motorway and the built up edge of Coventry perform well as clearly definable, strong and permanent physical boundaries, which are capable of enduring for the long term.
217. Therefore, exceptional circumstances do not exist to justify altering the Green Belt boundaries at Brownsover Road and junction 2 of the M6. Accordingly, **MM34** and **MM40** are necessary to remove these proposed alterations from the supporting text of the Plan, to ensure it is consistent with national policy. For clarity, MM40 takes precedence over minor modification 21, which in error shows the text relating to the release of land from the Green Belt at junction 2 of the M6 retained and altered.

#### *Coton House*

218. Policy DS3 also proposes the allocation of land at Coton House for up to 100 dwellings (DS3.1). Coton House is a Grade 2\* listed 18<sup>th</sup> century country house, located to the north of Rugby. It sits within an estate park and gardens, which is identified as a non-designated heritage asset. Also within the grounds of the house is a former stable block, dating from the 18<sup>th</sup> century, which is a Grade 2 listed building. The current main entrance to the house and stable block is from the A426 to the west via an avenue lined with mature Lime trees, which forms part of the estate parkland.
219. The allocation site comprises that part of the estate parkland incorporating the Lime tree avenue. It is also the subject of a planning application, as yet undetermined. The allocation follows a residential development within the gardens of the estate, granted planning permission in 2014 and now largely built out, which replaced a number of 20<sup>th</sup> century institutional buildings considered to be unsympathetic to the listed house and stable block.
220. The site allocation and the planning application have been the subject of heritage assessments by expert consultants for the Council and the site promoter respectively. Both have been the subject of representations from Historic England, which express concerns about the level of harm that residential development in line with the allocation could have on the setting and therefore the significance of the heritage assets. All of that evidence was before the examination and I have taken it into account, along with the representations on the MMs, in reaching my conclusions about the soundness of this proposed allocation.
221. All of the heritage evidence confirms that the site proposed for allocation is part of the setting of both Coton House and the stable block. Paragraph 132 of the NPPF is clear that the significance of a heritage asset can be harmed through development within its setting. I acknowledge that inter-visibility between the site and the stable block is restricted by mature landscaping. But the stable block is clearly seen from the western approach along the Lime tree avenue, which forms an important part of the historical and present-day parkland setting from which the stable block is appreciated. With regard to Coton House, whilst it is best appreciated within the parkland setting and views from the north and east, the allocation forms part of the wider parkland setting for the house, and is clearly visible as part of this setting in the approach to the house from the recently reinstated northern access.

222. The development of 100 dwellings within this open parkland setting would have the effect of suburbanising the approach to the house and the stable block. It would cause harm to the significance of the both the designated heritage assets and the estate park as a non-designated heritage asset. My view on the importance of the site to the setting of the designated heritage assets and to the estate as a whole and the harm its development would cause is confirmed by the advice of Historic England and the Council's heritage assessment of the proposal. The changes to the setting of the estate which have occurred through recent residential development, do not support the case for the allocation, since that development replaced existing buildings and was justified as a means of improving the immediate setting of the house and stable block. That would not be the case here.
223. National policy requires that any harm to the significance of a heritage asset should require clear and convincing justification. Even if that harm were judged to be less than substantial, it should be weighed against the public benefits of the proposal. The public benefits cited in support of the proposed allocation are its contribution to meeting the housing needs of the borough and the highway and transport improvements associated its development. However, the latter improvements are what would be necessary to mitigate the impact of the development on the highway network and therefore would have a neutral effect. And notwithstanding the ability of the site to contribute housing within the first 5 years post adoption, I conclude below under Issue 6 that the allocation at Coton House would not be required to ensure a 5 year supply or meet the borough's overall housing needs. Accordingly, the delivery of housing as a benefit would not outweigh or provide a convincing justification for the harm to the heritage assets.
224. The site is also not in a location with convenient access to services and facilities by sustainable modes of travel or capable of being made so. Whilst it may be less than 2 km walking distance from the nearest local centre, the site is separated from Rugby by the M6. The proposed route for a new footpath and cycleway to connect the site to Rugby, shown in the planning application details, would require pedestrians and cyclists to travel along the A426 and negotiate the roundabout at junction 1 of the M6 before entering Rugby alongside the Rugby Gateway industrial park. The proximity to fast moving traffic and the barrier created by the motorway infrastructure would be unlikely make this an attractive walking or cycling route. The current hourly bus service along the A426 into Rugby would also be unlikely to provide an attractive alternative to the car. The development would be largely car dependent and not in a location where the need to travel would be minimised.
225. For all of these reasons, the proposed allocation at Coton House is not justified and would not enable the delivery of sustainable development in accordance with national policy. Accordingly, in order to make the Plan sound site allocation DS3.1 must be deleted. Modifications contained in **MM31, MM33, MM140, MM146-147, MM151** and **MM158** are necessary to delete references to the Coton House site in Policy DS3, the supporting text, the Housing Trajectory and the IDP.

*Policy DS6 – Rural Allocations*

226. The delivery of the housing allocations at the MRSs through the planning application process will be informed and managed by Policy DS6. This sets out generic requirements for the design, landscaping, transport and infrastructure necessary to mitigate the impacts of development on the settlements and ensure improvements to community facilities to accommodate the additional



housing. **MM42** and **MM36** include a number of changes to the policy and its supporting text to ensure it will be effective, in particular in delivering improvements to public transport and open space and mitigating impacts on heritage assets as necessary.

**Issue 6 – Is the Plan positively prepared, justified and consistent with national policy in respect of its housing land supply?**

227. The submitted plan, updated through the Housing Background Paper, provides for an overall housing land supply of 15,396 dwellings over the Plan period. Against the Plan's housing requirement of 12,400 dwellings for the period 2011-2031, this represents a surplus of around 24%. As a result of the MMs to delete the proposed allocations at Brinklow, Coton House and Lodge Farm, the overall supply will reduce to 14,567 dwellings, representing a surplus of 17.5%.

228. Whilst the surplus in the supply over the requirement, even as modified, is generous, national policy does not set a cap on the level of housing provision to be made in local plans. Rather, the NPPF seeks to boost significantly the supply of housing, ensuring that local plans meet the objectively assessed needs for housing with sufficient flexibility to adapt to rapid change and provide a rolling 5-year supply of deliverable housing sites sufficient to meet the housing requirement, with an appropriate buffer to ensure choice and competition in the market for land and a realistic prospect of achieving planned supply where there has been a past record of under delivery of housing.

229. Notwithstanding the results of the 2018 HDT, monitoring of housing delivery<sup>98</sup> in Rugby borough shows that there has been a record of under delivery against the Core Strategy housing target since the start of the Plan period in 2011. Therefore, under the transitional provisions for this examination, to meet the expectations of paragraph 47 of the NPPF, a buffer of 20% should be applied to the Plan's housing requirement for the purposes of calculating the 5 year housing requirement and supply. Based on the data in the Housing Trajectory to the end of 2017/18, there was an overall shortfall of 607 dwellings against the housing requirement from 2011-2018. Where it is possible the PPG expects this to be recovered within the first 5 years of the Plan period post adoption. Accordingly, adding the shortfall to the annual housing requirement of 663 dwellings from 2018-23 onwards, with a 20% buffer would result in a 5 year housing requirement on adoption of 4,706 dwellings<sup>99</sup>, or a rounded annual requirement of 941 dpa.

230. The Housing Trajectory, subject to the deletion of the sites at Brinklow, Coton House and Lodge Farm, shows a supply of 5,067 dwellings over the first 5 years of the Plan post adoption (2018-2023). Against an annual requirement of 941 dpa this amounts to 5.38 years<sup>100</sup> of supply. Under the 2018 HDT a 5% buffer will apply post adoption, on which basis 5,067 dwellings represents a supply of around 6.15 years<sup>101</sup>. Subject to its deliverability, a supply of 5.38-6.15 years provides a reasonable degree of flexibility to adapt to rapid change.

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<sup>98</sup> Figure 5 of Housing Background Paper (LP11)

<sup>99</sup> Calculation of 5 year requirement:  $(663 \times 5 + 607) \times 1.2 = 4,706$  dwellings

<sup>100</sup> Calculation of supply: 5,067 dwellings supply divided by 941 dpa = 5.38 years supply

<sup>101</sup> Calculation of HDT supply: 4,118 dwellings (5 year requirement with 5% buffer) divided by 5 years = 823.6 dpa; then 5,067 dwellings supply divided by 823.6 dpa requirement = 6.15 years supply

231. In assessing whether the supply of 5,067 dwellings is deliverable, there are three components to the Plan's housing land supply – commitments from existing planning permissions, a windfall allowance for small sites of less than 5 dwellings, and allocations.
232. The trajectory projects that 5,954 dwellings will be delivered from 2018-2031 on sites which already have planning permission. Of these 3,242 would be delivered within the first 5 years, meeting 64% of the 5 year requirement. Of those 1,458 dwellings, or 45% of the 5 year total, would be on the strategic sites at Rugby Radio Station (RRS) and Eden Park. The RRS site itself accounts for around one third of the total.
233. Representations on the MMs have expressed doubts about whether the predicted rate of housing delivery at RRS will be realised; the trajectory anticipates the site will deliver at a rate of 240 dpa from 2020/21 until the end of the Plan period. My attention has been drawn to the Lichfields report<sup>102</sup>, which points to average build out rates of 160 dpa on large sites, albeit I also note that sites included in that study achieved average build out rates of up to 320 dpa. I have also considered the final report of the Letwin review<sup>103</sup>, which finds that the principal driver of build out rates on large housing sites is the absorption rate, which in turn is controlled by house-builders who can limit opportunities for rivals to enter the market.
234. However, there is clear evidence to support the delivery trajectory for the RRS. The site is being brought forward by a joint venture between a developer and investors, with the involvement of multiple housebuilders. It has an overall outline planning permission for around 6,000 dwellings and reserved matters consents for 677 dwellings to date, which is enough to support the trajectory for the next 3 years of delivery on the site. The first phase of construction of 250 homes is well advanced, with 3 housebuilders on site delivering and selling houses. A number of facilities are already open on site to support the day to day needs of occupiers, including a new primary school, and the first residents moved onto the site over 12 months ago. Whilst a maximum delivery rate of 240 dpa assumes 6 housebuilding outlets delivering, the Council advises that there are further housebuilders to come. Therefore, despite a slower than predicted start to housing delivery at the RRS, I am satisfied that the trajectory has a realistic prospect of delivery both for the first 5 years of the Plan period post adoption and over the remainder of Plan period.
235. Annex 2 of the new 2019 NPPF, which will provide the basis for assessing the 5 year supply in the borough following the adoption of the Plan, states that sites with outline planning permission should be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years. I am satisfied that the evidence underpinning the RRS site demonstrates it is deliverable. For the remainder of the sites with planning permission in the trajectory, there is no clear evidence that homes will not be delivered within 5 years. Therefore, I conclude that the commitments element of the supply is deliverable as defined by both the 2012 and 2019 NPPFs.
236. The housing trajectory includes an allowance of 45 dpa from small windfall sites (of less than 5 dwellings) throughout the remainder of the Plan period,

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<sup>102</sup> Start to Finish How Quickly do Large-Scale Housing Sites Deliver? November 2016

<sup>103</sup> Independent Review of Build Out Final Report, Rt Hon Sir Oliver Letwin, October 2018

accounting for around 4% of the 5-year supply and the overall supply. The NPPF permits this if there is compelling evidence that such sites have become consistently available and will continue to be a reliable source of supply. The Council's monitoring data<sup>104</sup> demonstrates an average of 43.4 dpa from this source from 2006-2016. Sites of less than 5 dwellings have not been included in the commitments or allocations. On this basis, the evidence is sufficiently compelling to include a windfall allowance at the rate shown in the trajectory.

237. The allocations at South West Rugby (SWR), Coton Park East (CPE) and the MRSs make up the remainder of the housing land supply, accounting for 1,600 dwellings (32%) of the first 5 years post adoption (2018-2013) and 4,855 dwellings (33%) over the Plan period. Whilst planning permission is not yet in place for any of the allocations, the 2019 NPPF states that sites allocated in the development plan can be considered deliverable where there is clear evidence that housing completions will begin within 5 years.
238. In the case of SWR and CPE, both sites are promoted by a consortium of landowners and housebuilders. The evidence to the examination confirms that planning applications have already been prepared for submission. Both sites are the subject of Masterplan SPDs, which would guide the determination of applications. Even if applications are awaiting the adoption of the Plan, then assuming adoption before the end of 2018/19, there is no reason why planning permission could not follow in 2019/20, with work on the first phases to commence on site in 2020/21 in line with the housing trajectory.
239. The SWR allocation is already subdivided into 12 parcels being promoted by different landowners and housebuilders, which should enable competition in the delivery of houses and increase absorption rates. The Council's evidence confirms that the site is not to be brought forward through a single outline application, but a series of separate applications co-ordinated through the Masterplan SPD. This should enable multiple planning permissions and outlets alongside construction of the site infrastructure. The Homestead Link forms the first phase of the spine road network and would be delivered as part of the first phase of construction from 2020/21 onwards. Whilst I note this at odds with the average lead in times from the submission of planning applications to the delivery of the first dwellings on site for large sites contained in the Lichfields report, the site promoters have consistently and persuasively argued that the lead-in times and trajectories for SWR and CPE are realistic.
240. The surplus of dwellings within the first 5 years' supply post adoption is concentrated into the years 2020/21 and 2021/22 when the MRS sites would start to deliver. This would offer flexibility should there be slippage in the delivery of the strategic sites during the first 5 years post adoption. The trajectories and lead in times for the MRS sites are supported by evidence from site promoters and, in most cases, the Council confirmed developers are on board to enable delivery within 5 years of the adoption of the Plan. On this basis, I consider they would be deliverable as defined in both the 2012 and 2019 versions of the NPPF. Whilst I acknowledge that the proposed allocations at Brinklow and Coton House could also contribute to delivery of housing within the first 5 years of the Plan post adoption, they are not required to ensure a deliverable supply of housing land.

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<sup>104</sup> Rugby Housing Land Supply Position, December 2016

241. In terms of a rolling 5 year housing land supply, from 2022/23 onwards the Housing Trajectory shows that the annual supply would reduce to below 941dpa. However, given the results of the 2018 HDT, there is every reason to expect that by then Rugby would be applying a 5% buffer to the annual housing requirement, assuming delivery in accordance with the increased level of supply over the previous 3 years (1,004 dwellings in 2019/20, 1,146 in 2020/21 and 1,145 in 2021/22). Applying a 5% buffer to the annual requirement of 663 dwellings, in line with paragraph 73 of the 2018 NPPF, would mean a requirement of 696 dpa (663 x 5%). The annual trajectory of supply from 2022/23 onwards exceeds this requirement until 2029/30, by which time the Plan will have been subject to review against a revised housing requirement.
242. After 2022/23 the housing land supply would rely almost exclusively on sites on the edge of Rugby at RRS, Eden Park, SWR and CPE, delivering up to 960 dwellings across 23 outlets at the peak in 2024/25. Although the Housing Market Delivery Study estimated that Rugby as a single market is unlikely to exceed delivery of more than 470-520 dpa, the Council's evidence is that since the study was published in 2015, the number of housebuilders operating in Rugby has increased. At the time the Housing Background Paper was published in 2017, there were 16 different sales outlets completing dwellings in the town, which the Council anticipated would increase to 23 sales outlets by 2024/25. This evidence was discussed at the hearings and has been endorsed by the site promoters. The consortium for SWR considered that it would have 12 outlets alone at its peak. This, added to 2 outlets at CPE, 2 at Eden Park, 6 at RRS and 1 at Wharf Farm, would total 23. With each outlet delivering on average 40 dpa, plus small windfalls, the peak delivery of 960 dpa would be possible. Even if delivery fell short of this anticipated rate of delivery due to market saturation or absorption rate limits, the surplus is such that the annual requirement of 696 dpa at that point would still be realistically achievable.
243. Overall, therefore, I am satisfied that, due to the nature of the housing land supply within the borough, there is adequate justification for surplus in supply. I also find that there is robust and credible evidence to demonstrate that on adoption the Plan will enable the Council to identify a 5 year supply of deliverable sites, and that there is sufficient surplus within the remaining developable supply such that a rolling 5 year supply of housing land over the lifetime of the Plan is realistically achievable.
244. **MM19-22** and **MM140** reflect the necessary changes to the housing land supply figures in the supporting text to Policy DS1 and the Housing Trajectory, to ensure the Plan is justified and effective in the light of the updated monitoring of commitments and the deletion of the allocations at Brinklow, Coton House and Lodge Farm. There were some discrepancies in the figures in the revised trajectory in **MM140**. In the list of sites with planning permission, Back Lane South was included twice (R12/1188 and R12/0114), and incorrect figures were shown for Tithe Farm at Montilo Drive (R13/1081) and the Former Ballast Pits (R14/1188). I have amended the trajectory in MM140 to correct this and ensure it is consistent with the updated trajectory in the Housing Background Paper, which formed the basis for the housing supply evidence at the hearings. The column totals in the trajectory are unaffected by these changes.
245. To ensure the Plan is effective and consistent with national policy in optimising housing provision and boosting the supply of housing, I also recommend the removal of the upper limits on dwelling capacities for all of the housing

allocations. This is included in **MM31** for the sites listed in Policy DS3 and in **MM44** for Coton Park East (Policy DS7). However, it was omitted in error from **MM45** for South West Rugby (Policy DS8) when the MMs were published for consultation. Accordingly I have amended MM45 in the Appendix to my report to ensure the Plan is clear that the same principle applies to South West Rugby. Whilst I note the concerns about the potential for overdevelopment of these sites without such a cap, I am satisfied that other policies in the Plan would enable planning permission to be refused where the number of houses would cause harm.

246. Subject to these MMs, I conclude that, the Plan is positively prepared, justified, effective and consistent with national policy in respect of its housing land supply.

**Issue 7 - Does the Plan provide for the accommodation needs of gypsies, travellers and travelling showpeople in a way that is consistent with national policy?**

247. The updated Gypsy and Traveller Accommodation Assessment Study 2017<sup>105</sup> (GTAA) identifies a need for a further 61 pitches to meet the accommodation requirements of gypsies and travellers in the borough over the Plan period. No further need was identified for plots for travelling showpeople. The study used the definitions for gypsies and travellers and travelling showpeople contained within the 2015 Planning Policy for Traveller Sites (PPTS). I am satisfied the GTAA forms a robust basis for establishing the accommodation needs for this community to inform the Plan and planning decisions.
248. The PPTS expects LPAs in producing local plans to identify a supply of deliverable sites to provide 5 years' worth of supply against the targets and developable sites for years 6-15 of the Plan period. Out of the 61 pitches required over the Plan period, 35 pitches are needed in the period 2017-2022. Whilst 11 vacant or unoccupied pitches from within the existing supply could be made available within this period to meet some of the need, this would still leave a shortfall of 24 pitches up to 2022 and 50 pitches to the end of the Plan period.
249. The Council explained that in preparing the Plan, no suitable sites were identified for further pitches through the call for sites. Accordingly, the Plan does not identify further sites, but Policy DS2 commits the Council to allocating land to meet the identified gypsy and traveller accommodation needs through a separate Gypsy and Traveller Accommodation Allocations Development Plan Document (DPD). This would enable the Council to adopt a more proactive approach to identify suitable sites. The timescale for the preparation of the DPD has been delayed until the adoption of this Plan. However, the Local Development Scheme<sup>106</sup> confirms the Council's commitment to securing adoption of the DPD to include site specific policies to address accommodation needs.
250. In the meantime, Policy DS2 sets out criteria to guide planning applications for any proposals for accommodation which come forward. The Council explained that subject to satisfying these criteria, additional permissions could be granted for new sites or through extensions to existing sites, in advance of the DPD being adopted. The same criteria will be used to assess the suitability of sites for allocation in the DPD. In broad terms the criteria as submitted are consistent with policies in the PPTS, including ensuring sites afford good access to local

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<sup>105</sup> Submission document LP57

<sup>106</sup> Submission document LP23

services, schools and health facilities and the relationship of sites to surrounding uses and occupiers. However, in places, the criteria are unduly restrictive and repetitive and may unreasonably limit the Council's ability to find suitable sites.

251. Accordingly **MM26** amends the site assessment criteria to ensure Policy DS2 is effective and consistent with national policy. It also updates the pitch requirements in line with the 2017 GTAA and clarifies the role of the DPD to ensure the policy is positively prepared. **MM27-MM30** update and add to the supporting text to reference the up to date GTAA, set out the current supply of pitches and explain the Council's approach to addressing accommodation needs through the DPD and development management, including how sites in the Green Belt will be considered. These are necessary to ensure Policy DS2 is adequately justified.
252. Ultimately, the overarching aim of Government policy in planning for the gypsy and traveller community is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional way of life, while respecting the interests of the settled community. Whilst the Plan does not provide a supply of deliverable and developable sites to meet the accommodation needs of gypsies and travellers in full, I am satisfied that the combination of the criteria based approach in Policy DS2 and a Gypsy and Traveller Site Allocations DPD will enable the Council to meet the shortfall in provision within the Plan period. Subject to the MMs discussed above, I conclude that the Plan is positively prepared, justified, effective and consistent with national policy in respect of its provision for the accommodation needs of gypsies and travellers.

### **Issue 8 – Are the Plan's policies for different types of housing justified, effective and consistent with national policy?**

#### *Housing Mix*

253. Policy H1 seeks to secure a wide choice of market homes in the borough by requiring residential development to provide a mix of homes in line with that recommended in the latest SHMA. Whilst in broad terms the aim of the policy accords with national policy, it is not consistent in two respects. Firstly, it is unduly restrictive on the list of circumstances in which a housing mix at variance with that set out in the latest SHMA can be considered. Paragraph 50 of the NPPF states that the size, type, tenure and range of housing should reflect local demand, implying that market factors are also relevant. Secondly, the supporting text to the policy suggests that future updates to the housing mix required in the borough will be included in updates to the Housing Needs SPD. However, this would not accord with the role of SPDs in paragraph 153 of the NPPF, which states that they should not be used to add to the financial burdens on development. Accordingly, **MM66** and **MM67** are necessary to ensure Policy H1 and its supporting text are consistent with national policy in both of these respects. I have amended the text of **MM66** to ensure that the circumstances which may justify an alternative mix apply separately.
254. Policy H1 also expects large development proposals to consider the contribution self-build can make as part of the mix of housing. Whilst catering for people wishing to build their own homes is consistent with national policy, as drafted the policy is not clear on what is meant by 'large' developments nor will it be effective in securing opportunities for self-build. Accordingly, **MM66** also amends the last sentence of the policy to expect provision for self-build and custom-build homes to be made within the SUEs, which offer the greatest scope to plan for these tenures as part of the overall mix of housing.

Affordable Housing

255. Policy H2 requires provision of affordable housing on sites of 11 or more dwellings, with targets of 20% of the overall number of units on brownfield sites and 30% on green field sites. I am satisfied that the viability evidence demonstrates these targets can be viably supported by residential development in Rugby and that, if met, they would address affordable housing needs in the borough as identified in the SHMA.
256. The tenure and size mix of affordable housing within these targets is set out in the supporting text to the policy, drawn from evidence in the 2015 SHMA. However, as submitted, the policy states that the mix of units must comply with guidance set out in the Housing Needs SPD. The supporting text to the policy also states that the circumstances in which an off-site financial contribution will be considered and the calculation for it is set out in the SPD. Variations in the mix of tenures, between affordable rented and intermediate products, and the formula for calculating an off-site contributions can both impact on the financial viability of development and to delegate them to SPD, which is not subject to examination, would not accord with paragraph 153 of the NPPF. Accordingly, **MM68** and **MM70-MM72** are necessary to ensure that these matters are set out clearly within Policy H2 and its supporting text. Otherwise, I am satisfied that the SHMA evidence supports the tenure and size mix set out and that the policy and supporting text allows for negotiation of an alternative mix where this can be justified by evidence.
257. The definition of what constitutes affordable housing has been substantially updated and clarified in the 2019 NPPF, to include starter homes, discounted market housing and other routes to home ownership. Whilst the Plan is being examined under the 2012 NPPF, on adoption the definitions of affordable housing in the new Framework will apply. Accordingly, **MM69**, **MM73** and **MM172** are necessary to ensure the Plan remains consistent with national policy.

Rural Housing

258. Policy H3 sets out the circumstances where dwellings may be considered appropriate in the countryside to support rural enterprises. **MM74** is necessary to ensure the wording of the policy is effective and consistent with paragraph 55 of the NPPF on the essential need for rural workers dwellings.
259. Policy H4 defines the criteria to be met for rural exception sites, which are encouraged in paragraph 54 of the NPPF to address rural housing needs, in particular for affordable housing. However, it is not necessary for the policy to restrict rural exception sites exclusively to affordable housing, since elsewhere it allows for a small amount of market housing where this will help to deliver affordable housing, which is consistent with the NPPF. The fifth criterion also duplicates the requirement for homes to remain affordable and available for occupancy by local people. **MM75** makes the changes necessary to ensure the policy is consistent with national policy and effective. For the same reason **MM180** amends the definition of rural exception sites.
260. Policy H5 provides for replacement dwellings in the countryside or the Green Belt. However, as drafted in the submitted Plan, the policy is not consistent with national policy on replacement dwellings in the Green Belt set out in paragraph 89 of the NPPF. Changes to the policy in **MM76** ensure that it is consistent with national Green Belt policy and that it will be effective in safeguarding heritage assets.

Specialist Housing

261. Policy H6 encourages the provision of specialist housing for older people and other members of the community with special housing needs, including residential care homes and extra care housing. The SHMA assesses the need for extra care housing and estimates a requirement for 94 units of provision, of which 23% should be affordable. However, as drafted in the submitted Plan, Policy H6 merely expects 'large developments' to consider opportunities for housing for older people, which is unlikely to prove effective in meeting the identified needs. Without specific provision the Plan would not be positively prepared in meeting the specialist housing needs of older people. Accordingly, to ensure the Plan is positively prepared and effective in this regard, **MM77** amends Policy H6 to provide opportunities at the SUEs, which offer the greatest scope to plan for specialist housing in locations close to facilities in Rugby.
262. Housing provision to meet the needs of homeless people is not expressly mentioned in the Plan, although the SHMA is clear that the overall housing requirement for the borough is calculated to address homelessness. Therefore, **MM78** is necessary to clarify that affordable and specialist housing will contribute to this need. Finally, **MM79** is necessary to make clear that monitoring of housing completions will not count C2 residential care institutions towards the Plan's overall housing requirement, since growth in C2 institutional populations did not form part of the estimate of OAN for the borough.

Conclusion on Issue 8

263. Subject to the MMs set out above, I conclude that the Plan's policies for different types of housing are justified, effective and consistent with national policy.

**Issue 9 – Are the Plan's policies for economic development and employment positively prepared, justified, effective and consistent with national policy?**

Employment Land Supply

264. I have established above under issue 2 that, subject to MMs, the Plan is positively prepared, justified, effective and consistent with national policy in respect of the provision it seeks to make for the employment land needs of Rugby and borough's apportionment of the unmet needs of Coventry up to 2031. The table at paragraph 4.16 of the Plan summarises the employment land supply to meet those needs, including completions since 2011, committed supply at existing employment sites and new allocations. **MM23** is necessary to update the table in the light of monitoring of completed employment development and to include the land at Ansty and Prologis Ryton, which has contributed to Coventry's unmet needs. Overall, subject to the MM, the Plan demonstrates a supply of 212 ha of land sufficient to meet the needs identified in Policy DS1.
265. It is clear from this that, together, the existing employment land provision at Rugby Gateway, the allocations at Rugby Radio Station, Coton Park East and South West Rugby set out in Policy DS4, and the strategically significant employment sites at Ansty and Prologis Ryton and other locations in Rugby set out under Policy ED1, provide a portfolio of employment property and land which, based on the evidence, is sufficient to support the sustainable economic growth of the borough to 2031 and beyond. I note the representations on the MMs which suggest the 4.34 ha remaining supply at Rugby Gateway has now been completed. This does not affect the soundness of the Plan as it still



contributes to the employment land supply within the Plan period, but the Council may wish to amend the table of supply as an additional modification, so it is up to date at the point of adoption.

Protecting Existing Employment Land

266. Policy ED1 seeks to protect existing employment land where it continues to make a viable contribution to economic development. This is a key component of the Plan's strategy in maintaining a balance between housing and jobs, ensuring the supply of employment land remains sufficient and supporting growth across all sectors of business, in particular small and medium enterprises seeking lower value commercial premises. However, paragraph 22 of the NPPF is clear that plans should avoid the long term protection of employment sites where there is no reasonable prospect of a site being used for that purpose. In such instances, proposals for alternative uses should have regard to market signals.
267. Policy ED1 allows for change of use of employment premises or redevelopment for alternative uses where a property is proven to be no longer viable for employment purposes, but only following a marketing period of up to 24 months in which no serious interest has been shown in continuing a B class use. As currently drafted the policy is unduly inflexible on this point. Whilst the supporting text refers to the continuing relevance of other market signals tests for assessing the potential to release employment land these do not feature in the policy. The employment studies which form the evidence base for this policy<sup>107</sup> recommend 6 tests. **MM80** and **MM82** amend the policy and its supporting text to include the 6 tests. These are necessary to ensure the Plan is effective and consistent with national policy. I have made minor amendments to the text of the policy in response to representations on the MMs, to ensure the wording is consistent with the NPPF and that it is clear in referring to both allocated and designated employment sites. **MM80** also amends Policy ED1 to clarify that the protection of existing employment sites does not apply to sites allocated for other forms of development in the Plan, for example the residential site allocation at Wolvey Campus.

Ansty Park and Prologis Ryton sites

268. The employment sites at Ansty Park and Prologis Ryton are strategically significant, particularly in addressing the employment needs of Coventry, but also as sub-regional inward investment sites. However, both lie within the Green Belt and are therefore subject to the constraints of Green Belt policy. I have considered whether there is a justification for excluding either or both sites from the Green Belt to allow for their expansion or a greater concentration of employment development within their existing developed boundaries. However, the Green Belt serves an important role at both Ansty Park and Prologis Ryton in preventing coalescence with Coventry. This, combined with my conclusions above that the Plan makes adequate provision for employment land, do not support a case for exceptional circumstances to remove land from the Green Belt at either site.
269. In terms of a greater concentration of development within their existing boundaries, paragraph 89 of the NPPF does constrain the extent of new development, allowing for limited infilling or the redevelopment of brownfield

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<sup>107</sup> Submission documents LP12 and LP16

sites in the Green Belt, provided this would not have a greater impact on the openness or purposes of the Green Belt. However, the Council has recently granted planning permission for the redevelopment of part of the former Rolls-Royce site at Ansty for a major new manufacturing facility for Meggitt. The officer's report on that application<sup>108</sup> does not suggest that the site's designation within the Green Belt has been a significant restraint on the size and scale of buildings permitted. Therefore, I am not persuaded that the need for flexibility for development within the existing site boundaries justifies removing the sites from the Green Belt.

270. However, Policy ED1 should provide greater clarity on how development within these and other existing employment sites within the Green Belt will be assessed. Therefore, **MM80** includes changes to the wording of the policy to support the infilling or partial or complete redevelopment of existing employment sites to ensure consistency with national Green Belt policy. Also for clarity, **MM83** changes the designation of Ansty Park from a major investment site to a strategically significant employment site.

#### Small and Medium Sized Enterprises

271. I have established above, under issue 4, that the evidence convincingly demonstrates there is a need for accommodation for small and medium sized enterprises (SMEs) in the borough. Although a specific allocation is made for small and medium sized employment units at Coton Park East, the submitted Plan does not make provision for this sector at other employment sites. Accordingly, to ensure the Plan is positively prepared and effective in this regard, **MM80** and **MM81** include a general provision in Policy ED1 and its supporting text for accommodation for SMEs at both existing employment areas and new allocations.

#### Employment Development outside of Rugby town

272. Policies ED3 and ED4 seek to limit employment development outside of Rugby town to the small scale expansion, redevelopment or conversion of existing employment sites, tourism and leisure schemes, and development for agriculture, forestry or farm diversification. Whilst in broad terms this is a justified policy approach within the countryside and Green Belt areas of the borough, paragraph 28 of the NPPF supports the sustainable growth and expansion of business and enterprise in rural areas. Accordingly, **MM84** is necessary to ensure Policy ED3 is consistent with national policy in this regard and in respect of the transport impacts of employment development in rural areas.

#### Conclusion on Issue 9

273. Therefore, subject to the MMs set out above, I conclude that the Plan's policies for economic development and employment are positively prepared, justified, effective and consistent with national policy.

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<sup>108</sup> Examination document RBC/08

**Issue 10 – Is the Plan's strategy for Rugby town centre positively prepared and justified and are the policies for retail and other town centre development effective and consistent with national policy?**

*Rugby Town Centre Strategy*

274. The Plan identifies the need for Rugby town centre to adapt to the challenges facing high streets nationally and locally, including the role of on-line shopping and the growth in out of centre shopping and leisure destinations. The development at Elliot's Field to the north of the town centre has created a new out of centre retail park with around 41,000 sqm of comparison retail floorspace. The Retail and Main Town Centre Uses Study 2015 (RMTCUS)<sup>109</sup> confirms this is likely to meet the demand for retail floorspace in Rugby in the short to medium term. The study forecasts a need for a further 1,508 sqm of comparison retail floorspace in the borough in the period to 2020, which could be met mainly through the reoccupation of vacant prime retail floorspace in the town centre. Beyond that it forecasts a capacity for 7,850 sqm of additional comparison shopping floorspace up to 2030. However, the study advises this should be treated with caution, as at the time it was undertaken the full impact of the developments at Elliot's Field, Technology Drive and Junction One retail parks on trading patterns and the town centre had not been established. The capacity for new convenience retail floorspace is more limited at around 732 sqm up to 2030, which is likely to be met in new district centres at SWR and Coton Park East.
275. In response, the Council has adopted a Town Centre Vision and Action Plan, which seeks a prosperous town centre, that complements and connects to the retail parks, and offers a wide range of shops, leisure and entertainment opportunities, as well as encouraging more residential uses to increase footfall in the town centre. Accordingly, the Plan includes policies which support proposals that will build on the Town Centre's independent offer and its leisure, cultural and civic roles, allow residential uses where this would not harm the retail function, and make more of the historical assets which characterise the traditional shopping areas, such as along High Street, Sheep Street and Market Place.
276. Policy TC1 promotes new development of high quality design which will complement and enhance the existing townscape. As drafted in the submitted Plan, the supporting text to Policy TC1 states that proposals which do not 'meet a sufficient standard will be refused'. However, this lacks clarity in helping to define what may constitute poor design when applying Policy TC1 in development management decisions. Paragraph 154 states that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. Accordingly, **MM86** is necessary to delete the sentence.
277. The Town Centre Boundary (TCB) has been contracted from that defined in the Core Strategy, and the extent of the Primary Shopping Area (PSA) adjusted, to focus the future development of town centre uses in locations closer to the main shopping streets and commercial areas. Significantly, the Plan does not allocate sites for new retail or town centre related development due to the lack of deliverability or availability of sites previously identified in the Core Strategy. However, Policies TC2 and TC3 promote a sequential 'town centre first'

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<sup>109</sup> Submission document LP29

approach, encouraging proposals for retail floorspace to be accommodated firstly within the PSA and for all town centre uses within the TCB. Policy TC4 defines primary and secondary shopping frontages to both protect the retail function of the main shopping streets and allow a greater mix of town centre uses elsewhere.

278. I consider the soundness of Policies TC2, TC3 and TC4 in more detail separately below. However, the overall strategy for Rugby Town Centre contained in the suite of policies and the changes to the TCB and PSA, supported by the Town Centre Vision, is justified as a pragmatic and appropriate response to the changing role of the high street. Whilst paragraph 23 of the NPPF expects the allocation of sites to meet town centre development needs, I am satisfied that there is insufficient evidence of need or deliverability to justify allocations. The TCB and PSA have been defined so that they are large enough to accommodate town centre uses on sequentially preferable sites.

279. However, as currently drafted the Plan does not make reference to the Town Centre Vision and Action Plan which provides an important basis for the town centre strategy. **MM85** to the supporting text will ensure that the policies and proposals for town centre are justified as an appropriate strategy in the light of the Town Centre Vision.

#### *Development of Retail and other Town Centre Uses*

280. Policies TC2 and TC3 set out a sequential approach for proposals for new floorspace for retail and town centre uses respectively. Although the PPG says that there should be no need to reiterate policies that are already set out in the NPPF<sup>110</sup>, the two policies seek to apply the sequential test in national policy to the specific context of Rugby. However, as drafted in the submitted Plan, there is conflict between the policies on the primary location for retail proposals. Policy TC2 states that retail proposals should first be located with the PSA, whereas Policy TC3 states that proposals for new town centre uses, which includes retail floorspace, should be located firstly within the TCB. There is also disagreement between the policies on how out-of-centre sites should be assessed as accessible.

281. Policies should provide a clear indication of how a decision maker should react to a development proposal. **MM87** and **MM88** combine Policies TC2 and TC3 into one to new policy, and **MM89** amends the supporting text, to ensure the application of the sequential test is effective and consistent with national policy. I have amended the title of the revised Policy TC2 in **MM87** to ensure it accurately reflects the purpose of the policy.

282. Policy TC3, as submitted, also requires an impact assessment for retail leisure and office proposals outside Rugby town centre in excess of 500 sqm. Paragraph 26 of the NPPF allows for a proportionate, locally set threshold for impact assessments. The RMTCUS provides evidence to show that larger format retail stores of over 500sqm are unlikely to trade as purely local facilities. Therefore, I am satisfied that the threshold is proportionate and justified. **MM87** includes the impact test in the revised Policy TC2.

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<sup>110</sup> PPG Paragraph: 010 Reference ID: 12-010-20140306

Primary and Secondary Shopping Frontages

283. The Plan identifies primary and secondary shopping frontages in the Rugby town centre for the first time to comply with paragraph 23 of the NPPF and to support the vitality and viability of the town centre. Policy TC4 seeks to maintain a 60% threshold of units within the primary shopping frontage (PSF) in A1 retail uses, increased from 50% in the Core Strategy, in order to maintain the primary retail function of the town centre in the light of a contraction in the town centre boundary overall. Within the secondary shopping frontages (SSF), it allows a greater diversity of uses, including retail, office and leisure, with no fixed threshold for A1 uses. The evidence in the RMTCUS supports the extent of the frontages defined on the Town Centre Policies Map and justifies the 60% threshold for A1 uses in the PSF. It also supports the modification to the TCB along Clifton Road.
284. However, as drafted in the submitted Plan, Policy TC4 lacks the necessary clarity for effectiveness in relation to the consideration of non-A1 uses within the PSA outside the primary or secondary shopping frontages, and with regard to the definition of 'complementary' uses within the PSF, the absence of a threshold for non-A1 uses in the SSF and the definition of the 'Wider Town Centre Area'. **MM90** is necessary to clarify the policy in each of these respects, to ensure it can clearly understood and effectively applied in the determination of planning applications.

Conclusion on Issue 10

285. Overall, I conclude that, subject to the MMs discussed above, the Plan's strategy for Rugby town centre is positively prepared and justified and its policies for retail and other town centre development are effective and consistent with national policy.

**Issue 11 – Are the Plan's policies for healthy, safe and inclusive communities justified, effective and consistent with national policy?**

Health Impact Assessments

286. National policy recognises the role that planning plays in ensuring healthy communities and living environments and the impact that development can have on health and well-being<sup>111</sup>. Policies elsewhere in the Plan support this including those seeking the provision of facilities for open space, sport and recreation, the provision of walking and cycling networks in new development, protection of green infrastructure, access to healthcare facilities and services and mitigation of pollution and environmental hazards. Policy HS2 seeks to ensure that the health impacts of development are assessed in determining planning applications, and where significant impacts are identified, they are mitigated or planning permission is refused. It requires the use of Health Impact Assessments (HIAs) to assess proposals likely to have significant impacts, which is consistent with national policy.<sup>112</sup>
287. However, as drafted in the submitted Plan, Policy HS2 lacks adequate justification and effectiveness in a number of respects. The requirement for HIAs are limited to Class C2 residential care homes and residential development

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<sup>111</sup> Paragraphs 17, 69 and 171 of the NPPF; Paragraph: 002 Ref ID: 53-002-20140306 of the PPG

<sup>112</sup> Paragraph: 004 Ref ID: 53-004-20140306 of the PPG

over 150 dwellings, when other types of development also have health impacts; a full HIA would be required for all qualifying development, irrespective of the likely scale of impact, which is not proportionate; and mitigation appears to be limited to improving health infrastructure, when the potential impacts on health and wellbeing may be more far reaching.

288. Accordingly, **MM91-MM94** amend Policy HS2 and the supporting text to set thresholds for non-residential development for which HIAs may be required; to apply a proportionate approach so that full HIAs are only required if significant impacts are demonstrated through an initial screening report; and to allow for a wider range of mitigation measures to address impacts. These are necessary to ensure Policy HS2 is justified and effective. I have amended the text of **MM91** as published for consultation to make clear that the requirement for HIAs only applies to developments above the size thresholds listed in the policy and not all 'major' development.

Local Shops, Community Facilities and Services

289. Policy HS3 seeks to protect existing and support the provision of new local shops, community facilities and services, which are important to the vitality of local communities, particularly in rural areas of the borough. It is consistent with national policy as set out in paragraph 70 of the NPPF. However, **MM95** is necessary to delete reference in the supporting text to changes to private use of facilities, which would be outside planning control.

Open Space and Recreation

290. Policy HS4 sets standards for the provision of open space to support new residential development in the borough and seeks to protect existing public open space assets from development. Paragraph 73 of the NPPF recognises that access to high quality open space and opportunities for sport and recreation are important to the health and wellbeing of communities. Policies should be based on up to date assessments of the need for open space, sports and recreation facilities, which identify the deficit or surplus of open space and recreational facilities in an area to determine what is required. The Council has undertaken such a study<sup>113</sup>.
291. With regard to open space, the study provides a full audit of provision in the borough. The existing level of children's play space, natural and semi-natural open space, amenity green space, allotments and parks and gardens in each parish in the borough is assessed against the proposed standards for each category of open space to identify the deficit or surplus in each community. The proposed standards are benchmarked against national standards for open space published by Fields in Trust (FIT)<sup>114</sup> and against those of other comparator local authorities. The proposed standards for children's play space and allotments are in line with the national benchmark. In respect of playing pitches, they are below the FIT standard but justified by the forecasts of demand and need for additional sports pitches in the borough over the plan period. For natural and semi-natural green space, amenity green space and parks and gardens, the proposed standards are above the national benchmarks, but justified as necessary to maintain the current standards of open space in these categories which characterise Rugby.

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<sup>113</sup> Open Space, Playing Pitch and Sports Facilities Study 2015 (LP43)

<sup>114</sup> Formerly the National Playing Fields Association

292. Overall, I am satisfied that there is robust and proportionate evidence to justify the proposed standards. For clarity and effectiveness, there is a need to update the figures for the audit of open space provision in Appendix 4 to the Plan (**MM162**) and to ensure Policy HS4 correctly reflects the standards for sports pitches in the Playing Pitch Strategy (**MM96**).
293. Requirements for new or improved built sports facilities in the borough are set out in the Built Facilities part of the study, to be progressed through an action plan led by the Borough Council<sup>115</sup>. These include new sports hall provision designed for community use at new secondary schools proposed as part of the strategic allocations in the borough, plus further commercial leisure facilities for which the Plan makes provision in Policy TC3. Whilst Policy HS4 does not include a separate standard for new built facilities, I am satisfied that the Plan supported by the study makes appropriate provision to enable the delivery of built sports and leisure facilities required over the Plan period.
294. However, a key omission in Policy HS4 is the absence of any protection against the loss of existing built sports facilities, which is necessary to ensure provision in the borough is not diminished over time. Paragraph 74 of the NPPF expects that existing open space, sports and recreational buildings and land should not be built on unless they are surplus to requirements, or would be replaced elsewhere by equivalent provision or by alternative sports and recreational provision. Policy HS4 as submitted includes these provisions for open space but not for built sports and recreational facilities.
295. Although many sports facilities are in public ownership, some are privately owned and therefore vulnerable to closure and redevelopment for alternative uses. I heard evidence at the hearings about the proposals for the residential redevelopment of the Brandon or Coventry Stadium, which was until recently in active use for speedway and stock car racing. The Plan would not be unsound without a specific policy to protect or allocate the stadium. However, the absence of a policy to safeguard existing sports and recreational buildings generally in the borough from being built on unless surplus to requirements or replaced elsewhere, in line with paragraph 74 of the NPPF, does render the Plan unsound. Accordingly, **MM96** includes this wording in section C of Policy HS4 to ensure it is consistent with national policy in this regard.

*Traffic Generation and Air Quality*

296. A key issue for Rugby is tackling the effects of poor air quality. The whole of Rugby town is designated an Air Quality Management Area (AQMA), in which levels of air pollution exceed national limits in a number of locations. The main concern within the AQMA is the level of nitrogen dioxide (NO<sub>2</sub>) emissions, for which traffic is the primary cause. I have considered this issue above in relation to the overall development strategy and the main strategic allocation at SWR, taking account of the Air Quality Assessment modelling, and concluded that the potential impacts of development on air quality are capable of mitigation.
297. In part this relies on the requirements of Policy HS5, which sets out the Council's approach to tackling the effects of development and traffic generation on air quality. However, as drafted in the submitted Plan, Policy HS5 and its

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<sup>115</sup> Paragraph 14.3 and Figures 35 and 36 of Part 2 of the Open Space, Playing Pitch and Sports Facilities Study (LP43)

supporting text lack the necessary detail to be justified, effective and consistent national policy in doing so. In particular, there is no indication of the location of the AQMA or reference to the Council's air quality action plan, both of which are referenced in paragraph 124 of the NPPF. The policy is also not clear on the type and scale of development to which it will apply, the air quality standards being targeted, or the range of mitigation measures expected. It also does not address the related effects of noise and vibration from traffic generation.

298. **MM97-MM100** amend Policy HS5 and the supporting text accordingly. Amongst other things, these will ensure new development achieves an 'air quality neutral' standard or includes measures to offset its effects where that cannot be met and takes account of the Council's Air Quality Action Plan. I am satisfied that with these MMs, the policy will not go beyond what is set out in the NPPF and will be consistent with the detailed guidance on the role of Local Plans with regard to air quality set out in the PPG<sup>116</sup>. For clarity, **MM173** includes a definition of 'air quality neutral' in the Glossary and **MM183** adds a map of the AQMA as a new Appendix to the Plan. In response to representations on the MMs, I have amended the text of the **MM97** to separate out the requirements for noise and vibration and **MM98** to correct the reference to NO<sub>2</sub>.

Conclusion on Issue 11

299. Subject to the MMs set out above, I conclude that the Plan's policies for healthy, safe and inclusive communities are justified, effective and consistent with national policy.

**Issue 12 - Are the Plan's policies for the natural environment of Rugby borough justified, effective and consistent with national policy?**

Biodiversity and Geodiversity Assets

300. Although the Habitats Regulations Assessment Screening Report confirms that the Plan is not considered to have any likely significant effects on the European Sites located outside Rugby borough, there are a number of sites of national and local importance for wildlife and geological interest within the borough, which require protection, identified in the Habitat and Biodiversity Audit 2017<sup>117</sup>. In addition to the protections and site specific measures set out in Policies DS6-DS8 discussed above, Policies NE1 and NE2 seek to provide a borough-wide protection for existing biodiversity and geodiversity assets from the negative effects of new development and to enhance biodiversity.
301. However, in a number of respects Policies NE1 and NE2 are not consistent with national policy on the conservation and enhancement of biodiversity, particularly as set out in paragraph 118 of the NPPF. There is also a considerable degree of duplication between the two policies, which affects their clarity and usefulness in development management. Accordingly, **MM101** and **MM103** combine the two policies into one new Policy NE1, which is consistent with national policy in respect of the mitigation hierarchy and the respective protections for international, national and locally designated sites of importance and for irreplaceable habitats such as ancient woodland and veteran trees. For clarity, **MM102** and **MM104** also update the supporting text to ensure ecological

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<sup>116</sup> Paragraph: 002 Reference ID: 32-002-20140306

<sup>117</sup> Submission document LP41



assessments submitted in support of planning applications are carried out in accordance with the British Standard 42020:2013 Biodiversity Code of Practice for Planning and Development and to reference the Defra Metrics as the basis for measuring biodiversity net gain.

### Green and Blue Infrastructure

302. Policy NE3 seeks the creation of a comprehensive Strategic Green Infrastructure (GI) network across the borough, through the protection and enhancement of existing GI assets and the introduction of multi-functional linkages between them. It has been informed by a borough-wide Green Infrastructure Study<sup>118</sup>, which defines the strategic GI network as including the rivers, canals and disused railways, woodlands and accessible natural greenspace. The purpose and functions of the GI include supporting wildlife, recreation, access for walking and cycling and providing flood storage capacity. The emphasis of the strategic network is on assets which provide multi-functional linkages, for example the Oxford Canal. New development is expected to provide GI to link into the borough-wide network.
303. As drafted, the policy and its supporting text lack clarity in a number of respects. Other than in the title, there are no references to Blue Infrastructure, comprising the rivers, canals and water bodies, although evidently these form a key part of the network. A definition is also required of what constitutes Green and Blue Infrastructure in the Plan, to make clear which assets are protected by the policy. **MM105-MM110** and **MM176** address these points to ensure the Plan is clear and effective.
304. The Strategic GI network is shown geographically on the Green Infrastructure Policies Map. As the Policies Map is not a development plan document, I do not have the power to recommend MMs to it. However, a number of changes to the GI Policies Map were discussed at the hearings, which resulted in modifications to the Policies Maps that were published by the Council for consultation alongside the MMs. These comprise adding all of the water courses as the Strategic Blue Infrastructure Network and extending the potential GI corridor from SWR across the Rainsbrook escarpment on the southern edge of Rugby to link up with the Oxford Canal. I confirm that these modifications are necessary to ensure clarity on the extent of Blue Infrastructure covered by Policy NE3 and to ensure the effectiveness of the policy in protecting and extending the GI network through development on the southern side of Rugby. As a result the Rains Brook is included as part of the Strategic Blue Infrastructure Network, but it does not constitute the type of multi-functional corridor that would justify it being included in the GI network.

### Landscape Protection and Enhancement

305. The Plan does not propose any locally designated landscapes, but seeks to protect landscape character through Policy NE4. The local landscape qualities of the Rainsbrook and Leam Valleys were discussed at the hearings and I have considered the further representations on this point. Although undoubtedly attractive, which has led to my conclusion above that the proposed allocation of Lodge Farm would cause significant harm to the character of the countryside in this part of the borough, the landscape character evidence submitted to the

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<sup>118</sup> Submission document LP27

examination does not demonstrate that the Rainsbrook or Leam Valleys should be recognised as a 'valued landscape' under paragraph 109 of the NPPF. Therefore, a special landscape designation for this area in the Plan would not be justified.

306. However, Policy NE4 and its supporting text would ensure that development proposals take account of landscape character and its sensitivity to change in all parts of the borough. As such it is consistent with paragraph 17 of the NPPF in recognising the intrinsic character and beauty of the countryside. **MM112** is necessary to ensure that the policy is justified, based on proportionate evidence, by referring in the supporting text to the landscape studies which form part of the evidence base of the Plan. **MM111** is also necessary to avoid duplicating the protection of heritage assets which is covered under Policy SDC3.

#### Conclusion on Issue 12

307. Overall, subject to the MMs set out above, I conclude that the Plan's policies for the natural environment of Rugby borough are justified, effective and consistent with national policy.

### **Issue 13 – Are the Plan's policies for sustainable design and construction justified, effective and consistent with national policy?**

#### Sustainable Design and Landscaping

308. Policy SDC1 seeks to ensure high quality, inclusive and sustainable design in all new development. **MM113** is necessary to ensure that the policy is consistent with the NPPF in requiring good design and to provide clarity for decision makers in safeguarding the 'living conditions' rather than the 'amenities' of neighbouring occupiers. **MM114** is necessary to provide clarity in the supporting text to the expectation for comparatively higher densities on development sites in or close the Rugby town centre. However, as drafted in the MMs for consultation the comparison with rural areas is inappropriate. I have amended the text accordingly.

309. Policy SDC2 sets out criteria to ensure the appropriate landscape treatment of new development. To ensure its effective application alongside other policies in the Plan, **MM115** is necessary to delete reference to landscape character which is addressed by Policy NE4 and to cross-reference Policies NE1 and SDC3 in respect of landscape features of ecological or archaeological significance.

#### Historic Environment

310. Policy SDC3 seeks to manage development proposals affecting the borough's heritage assets. However, as drafted in the submitted Plan, the policy does not accord with national policy for conserving and enhancing the historic environment. In particular, it does not effectively distinguish the separate tests for proposals causing harm to designated and non-designated heritage assets contained in paragraphs 132 to 139 of the NPPF. Accordingly, **MM116** is necessary to ensure that the policy is consistent with national policy. **MM117** will also ensure the supporting text to the policy is up to date in respect of the historic environment record.

#### Sustainable Buildings

311. Policy SDC4 sets standards for the design of new development to maximise water and energy efficiency. With regard to residential development, the

Written Ministerial Statement (WMS) of March 2015 commenced a new national system of technical standards, including new additional Building Regulations on water efficiency. Policy SDC4 includes the optional higher water efficiency standard of 110 litres of water/person/day. Although Rugby borough is not currently an area experiencing water stress, the PPG states that the evidence from 'water cycle studies' in areas of high growth is relevant. The Water Cycle Study<sup>119</sup> confirms that Rugby is an area of high growth and the higher standard in new housing is necessary, so the area does not become seriously stressed and as part of a strategy to move towards a 'water neutral' position. The cost of meeting the standard has been included in the local plan viability testing and shown not to have a significant adverse effect on viability. On this basis, I am satisfied that the application of the optional higher water efficiency standard to new housing development is justified.

312. For non-residential development, Policy SDC4 seeks a minimum standard of Building Research Establishment Environmental Assessment Method (BREEAM) 'very good' for development over 1000 sqm. This standard is also recommended by the Water Cycle Study and has been subject to viability testing. Therefore, again, I am satisfied that the application of BREEAM 'very good' is justified by the evidence.

313. Energy efficiency standards for residential development are now managed entirely through the Building Regulations. As drafted in the submitted Plan, the policy still refers to the need for Sustainable Buildings Statements and the national target for achieving zero carbon development by 2016, which are no longer relevant. Accordingly, **MM118-MM121** are necessary to ensure Policy SDC4 and its supporting text are consistent with national policy and justified in the light of the evidence base.

#### Flood Risk and Sustainable Drainage

314. Policy SDC5 seeks to adopt a sequential approach to the location of development to avoid areas at highest risk of flooding. Whilst this accords with national policy, the wording of the policy and its supporting text do not correctly apply the Sequential and Exception Tests as set out in paragraphs 102 and 103 of the NPPF. Accordingly, **MM122-MM124** are necessary to ensure Policy SDC5 is effective and consistent with national policy.

315. Policy SDC6 requires Sustainable Drainage systems for all developments. **MM125** is necessary to ensure the policy is consistent with national policy contained in the PPG<sup>120</sup>, in limiting the requirement to proposals for major development in areas at risk of flooding. The requirement to re-use and recycle surface water and domestic waste water is not appropriate within Policy SDC6. Accordingly, for effectiveness it is deleted by **MM125** and included in Policy SDC4 as part of the requirements for sustainable buildings (**MM118**).

#### Water Environment and Water Supply

316. I have considered above the capacity of the borough's waste water treatment facilities to accommodate the development proposed at the strategic allocations in Rugby. Subject to the MMs discussed under Issue 14 below, the IDP at Appendix 3

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<sup>119</sup> Submission document LP32

<sup>120</sup> PPG Paragraph: 079 Reference ID: 7-079-20150415

identifies the improvements to the waste water treatment infrastructure necessary to mitigate the impacts of development. Overall, the Water Cycle Study confirms that treatment capacity should not be seen as a barrier to growth in Rugby.

317. With regard to water supply and quality, Policy SDC7 seeks to ensure that there is adequate water supply to serve existing and new developments by directing development to areas where there is an adequate water supply and ensuring development does not affect waterbodies' ability to reach a good status. In combination with the application of the optional higher water standard in Policy SDC4 this is a sustainable approach to managing the impact of the planned development on water supply. **MM126** is necessary to ensure this applies only where development 'adversely' affects waterbodies.

Renewable Energy and Low Carbon Technology

318. Policy SDC8 supports the development of new low carbon and renewable energy technologies, subject to a series of criteria. This would be consistent with paragraph 97 of the NPPF. **MM127** and **MM128** are necessary to ensure that proposals for solar farms make use of areas poorer quality agricultural land first before consideration is given to their development on the best and most versatile agricultural land, in accordance with paragraph 112 of the NPPF. **MM129** is necessary to provide clarity on the requirements for hydropower schemes.

Broadband and Mobile Internet

319. Policy SDC9 expects new development to facilitate and contribute towards the provision of broadband infrastructure across the borough. This is consistent with national policy in supporting high quality communications infrastructure. However, the policy goes further in seeking to exercise control over the price at which services are provided, the choice of network carrier and the design of the duct network. These go beyond reasonable planning controls and are not justified. Therefore, **MM130** and **M131** are necessary remove reference to service price, provider and duct design from the policy and supporting text.

Conclusion on Issue 13

320. Subject to the MMs set out above, I conclude that the Plan's policies for sustainable design and construction are justified, effective and consistent with national policy.

**Issue 14 – Does the Plan provide the infrastructure necessary to support the delivery of development in the Plan and are its policies for delivery justified, effective and consistent with national policy?**

Transport

321. I have considered the effects of the Plan's development proposals on the transport network above and am satisfied that they are capable of being mitigated over the Plan period, subject to the delivery of the transport schemes and measures set out in the IDP. Policy D1 should ensure that the transport impacts of all development proposals are assessed at the planning application stage and required to provide the necessary mitigation taking account of the priority for use of sustainable modes of transport.

322. However, as drafted in the submitted Plan, Policy D1 does not make reference to either the measures set out in the highway authority's Sustainable Transport Strategy (STS) or those in the IDP. Applications for smaller development are expected to be accompanied by a Transport Statement (TS), but the policy does not define what the TS should address. **MM132** is therefore necessary to include references to the STS and the IDP, and to clarify the role of the TS, which will ensure the policy is effective in development management.
323. Warwickshire County Council is bringing forward a new Parkway Station at Houlton on the Rugby Radio Station site<sup>121</sup>. This is one of the key sustainable transport schemes to support the growth of the town and mitigate the adverse effects of traffic, by providing an alternative point of access to rail services away from the centre of Rugby. For the Plan to be effective in reducing reliance on the use of the car and supporting the shift to sustainable transport modes, the site for the parkway station should be safeguarded. Policy GP4 provides the basis on which to resist planning permission which would prejudice the provision of infrastructure. However, specific reference to the Parkway Station scheme in the supporting text of Policy GP4 and in the IDP would make the Plan effective in providing the necessary safeguarding. For this reason, **MM10** is necessary to refer to the Rugby Parkway Station in support of Policy GP4 and **MM143** and **MM161** to include the Parkway Station scheme in the IDP.

#### Parking Facilities

324. Policy D2 seeks to ensure that development provides satisfactory parking facilities in line with the standards set out in Appendix 5 of the Plan. Setting local parking standards is consistent with paragraph 39 of the NPPF. As drafted in the submitted Plan, the standards for all categories of development apart from Class C3 residential uses, are expressed as maximum standards. However, this is not justified by evidence and therefore **MM163-MM170** remove the references to maximum standards to ensure they are applied as guidance. For effectiveness, **MM168** also clarifies how parking standards for students and parents at schools and colleges will be assessed.
325. A new standard is necessary for electric and hybrid vehicle charging points (**MM133** and **MM171**). This is justified in the context of the poor air quality in parts of Rugby and the need to support a modal shift towards low emission vehicles as part of the Council's Air Quality Action Plan. It would be consistent with paragraph 35 of the NPPF in order to exploit opportunities for the use of sustainable modes of transport. Whilst the cost of provision has not been included as part of the local plan viability testing, I am satisfied that the policy requirement allows for delivery to be varied if it can be demonstrated the provision of charging points would be unviable. Finally a new parking standard is necessary for people with disabilities (**MM171**) to ensure equality of access.

#### Infrastructure

326. The delivery of the scale and distribution of development proposed in the Plan will be dependent on sufficient infrastructure capacity being available to mitigate its impacts. The Infrastructure Delivery Plan (IDP) at Appendix 3 to the Plan, sets out a comprehensive list of the strategic infrastructure which is required to support and mitigate these impacts. In particular, this includes new transport,

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<sup>121</sup> Examination document RBC/03

education, healthcare and utilities infrastructure and facilities, as well as improvements to a range of other community services. **MM141-MM161** are necessary to include all of the required infrastructure schemes to ensure the IDP is up to date at the point of adoption and that the Plan is positively prepared in meeting the objectively assessed infrastructure requirements of the borough.

327. I have considered the infrastructure requirements for each of the site allocations above and concluded that the infrastructure required to mitigate the impacts of each development can be viably supported. Where necessary, the site allocations policies include the site specific infrastructure required. Policy D3 of the Plan comprises the overarching development management mechanism to ensure that planning permission will only be granted for development where capacity exists within the existing infrastructure or additional capacity can be provided. **MM134** and **MM135** are necessary to ensure the policy is effective and justified by reference to the IDP.

328. With particular regard to the capacity of secondary education facilities, the statement on secondary education submitted by Warwickshire County Council (the LEA) following the Stage 1 hearings<sup>122</sup> forecasts a shortfall in secondary school places during the Plan period in Rugby. The proposed new schools at Rugby Radio Station and South West Rugby would not provide sufficient capacity. The main area of deficiency is in the north of Rugby. The LEA's preference is for the expansion of existing secondary schools in the town to meet this need. However, should the capacity not be available on existing school sites, a reserve site of 8.5 hectares for a new secondary school has been identified at Coton Park East (CPE). I have discussed the mechanism for the safeguarding of this site in my assessment of the soundness of the CPE site allocation under Issue 4 above, together with the MMs necessary to incorporate it into the Plan. I confirm that these are required to ensure the Plan is positively prepared in meeting the education infrastructure needs required to support the proposed housing growth. **MM136** is also necessary to ensure the requirement for the safeguarded school site is justified in support of Policy D3. I have amended the wording of the MM to ensure the period for safeguarding is consistent with the 12-24 month period discussed above.

#### Planning Obligations

329. Policy D4 provides for the use of planning obligations to enable the delivery of infrastructure or measures to mitigate the impacts of development. Whilst the use of planning obligations is supported by national policy, as drafted in the submitted Plan, Policy D4 is not consistent with paragraphs 203 and 204 of the NPPF. In particular, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition, and where they meet the tests set out in national policy. **MM137** and **MM138** ensure that Policy D4 and its supporting text reflect these provisions.

#### Implementation and Monitoring

330. Appendix 1 to the Plan sets out a framework for monitoring the progress on implementing the policies and proposals of the Plan. **MM139** is necessary to update the framework in line with the MMs described elsewhere in this report.

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<sup>122</sup> Examination document OTH38

### Conclusion on Issue 14

331. Overall, subject to the MMs discussed above, I conclude that the Plan provides for the infrastructure necessary to support the delivery of development in the Plan and its policies for delivery are justified, effective and consistent with national policy.

## **Public Sector Equality Duty**

332. In arriving at my conclusions on the above issues, I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010. The impact of the Plan on groups with protected characteristics in Rugby borough has been assessed by an Equality Impact Assessment<sup>123</sup> which has been updated alongside the MMs. Particularly in respect of the protected characteristics of older people and other members of the community with specific housing needs, the policies in the Plan and the MMs associated with them will have a positive equality impact. Whilst the Plan does not provide a supply of deliverable and developable sites to meet the accommodation needs of gypsies and travellers in full, I am satisfied that the combination of the criteria based approach in Policy DS2 and a Gypsy and Traveller Site Allocations DPD will enable the Council to meet the shortfall within the plan period.

## **Assessment of Legal Compliance**

### Consultation

333. A number of representations expressed concerns about aspects of the consultation undertaken by the Council in preparing the Plan. For legal compliance purposes the test is whether the Plan was prepared in accordance with the minimum statutory requirements for consultation. The Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations) and the Planning and Compulsory Purchase Act 2004 set out the legal requirements relevant to consultation on local plans. In summary, these require the LPA to consult with specific organisations, local residents and businesses about the content of the proposed plan<sup>124</sup>; to do so in accordance with the Council's Statement of Community Involvement (SCI)<sup>125</sup>; to take account of any representations from those parties in preparing the plan<sup>126</sup>; to explain how these representations have been taken into account and provide a summary of the issues which have been raised in a consultation statement<sup>127</sup>, which must be submitted with the plan; and finally to invite representations from the same interested parties on the final publication plan before submitting it to the Secretary of State for independent examination<sup>128</sup>.

334. The Council submitted a Consultation Statement<sup>129</sup> with the Plan in accordance with the Regulations. This explains that four phases of consultation took place during the preparation of the Plan. At the outset, in July-August 2013, the

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<sup>123</sup> Submission document LP24

<sup>124</sup> Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>125</sup> Section 19(3) of the Planning and Compulsory Purchase Act 2004

<sup>126</sup> Regulation 18(3) of the Regulations

<sup>127</sup> Regulation 22 of the Regulations

<sup>128</sup> Regulation 19 of the Regulations

<sup>129</sup> Submission document LP26

Council consulted on a Discussion Document inviting views on what the Plan ought to contain, in compliance with Regulation 18. Between September 2016 and January 2017 a consultation on the Publication Draft of the Plan was held, in accordance with Regulation 19, prior to the submission of the Plan in July 2017. In between the Council ran two further non-statutory stages of consultation on a Development Strategy document, from May to July 2014, and on a Preferred Options draft version of the Plan, between December 2015 and February 2016.

335. Representations were invited by a number of different means through the Council's consultation database, which includes local residents, businesses, parish councils, community and statutory organisations, and through the Council's website, press releases, newspaper advertisements, public meetings and drop in sessions. These are consistent with the consultation methods set out on the SCI. The length of the consultation periods satisfied the statutory minimum 6-week duration<sup>130</sup>, albeit the Council extended the consultation period for the Publication Draft Plan to 12 weeks to allow more time for local communities to respond. Whilst I note the concern that some interested landowners and local residents were not individually consulted on the Publication Draft of the Plan, there is no requirement in the Regulations on local planning authorities to notify every resident, business or property owner in its administrative area on publication of the Plan. Rather the requirement is that the Council must publish the Plan and the other documents it proposes to submit on its website and make them available at its offices for a minimum 6-week period and notify specific and general consultation bodies. The evidence in the appendices to the Consultation Statement demonstrates that the Council met this requirement.
336. Summaries of the main issues raised in representations in response to each stage of consultation on the Plan are set out in section (iii) of the Consultation Statement. I note the concerns by some that the summaries of representations on the Preferred Options draft of the Plan were not made publicly available until shortly before the Publication Draft of the Plan was issued in September 2016 and therefore could not have been taken into account when the Council made the formal decision on the text of the Publication Draft in July 2016. However, the minimum legal requirement in Regulation 18 is that representations about what the plan ought to contain must be taken into account in preparing the plan. The consultation on the Discussion Document constituted the statutory requirement under Regulation 18. The Consultation Statement explains how representations made on the Discussion Document influenced the Preferred Options draft. And section (iv) of the Consultation Statement explains how changes were made to the Publication Plan in response to representations on the Preferred Options draft. I am satisfied that all of this meets the requirements of Regulations 19 and 22 with regard to taking representations into account. Finally on this point, there is no statutory requirement that representations made on the Publication Draft Plan should be taken into account before the Plan is submitted. Rather the Regulations<sup>131</sup> require that any such representations must be sent to the Secretary of State along with the Plan when it is submitted for examination. The Council also satisfied this requirement.

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<sup>130</sup> Regulation 35 of the Regulations

<sup>131</sup> Regulation 22(1)(d)



337. Representations were also made in writing and at the hearings that the Council did not meet its obligations under Regulation 19 to publish all of the 'proposed submission documents' as part of the consultation on the Publication Draft of the Plan. In particular this relates to the Water Cycle Study<sup>132</sup>, the Local Plan Viability Assessment<sup>133</sup> and the Strategic Transport Assessment (2017)<sup>134</sup>, which were submitted with the Plan, but were not available in their final form when the Council published the Publication Draft of the Plan in September 2016. Under Regulation 17, 'proposed submission documents' includes such supporting documents as in the opinion of the local planning authority (LPA) are relevant to the preparation of the Plan.
338. With regard to the Strategic Transport Assessment, the 2016 version<sup>135</sup> was published for consultation alongside the Publication Draft Plan to support the transport mitigation strategy. It was updated following consultation on the Publication Draft Plan and issued as a 2017 version, in support of the updated transport infrastructure requirements of the submitted Plan. With regard to the Water Cycle Study, the Publication Draft Plan indicated it would be published for consultation alongside the draft Plan to confirm a revised water efficiency standard which was in line with the new national standard, but in the end the Council published it at the submission stage. The Local Plan Viability Assessment was commenced in May 2016 to inform the Publication Plan, but finalised and published in June 2017 alongside the submitted Plan, in order to incorporate the most up to date evidence.
339. I acknowledge the expectation of the Regulations that evidence on which an LPA expects to rely in support of a Plan should be published at the draft Plan stage. However, this does not preclude an LPA from updating its evidence base following consultation on the publication plan to support the final submission plan. The Strategic Transport Assessment, the Water Cycle Study and the Local Plan Viability Assessment reports were available in their final forms for the examination of the Plan. They were discussed at the hearings with the Council and interested parties and have led to MMs to the policies and infrastructure requirements of the Plan. All three studies were available alongside the consultation on those MMs. Therefore, I am satisfied that the absence of these three reports in their final form at publication stage did not undermine the consultation and participatory processes of the Plan or prevent the robust testing of the soundness of these issues at the examination hearings.
340. Overall, therefore, I conclude that the consultation on the Plan and the MMs was carried out in accordance with the Council's adopted SCI and met the consultation requirements of the Regulations.

### Sustainability Appraisal

341. Section 19(5) of the Planning and Compulsory Purchase Act 2004 requires LPAs to carry out an appraisal of the sustainability of local plans. Sustainability appraisal (SA) is defined in the PPG<sup>136</sup> as a systematic process, which must be

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<sup>132</sup> Submission document LP32

<sup>133</sup> Submission document LP22

<sup>134</sup> Submission document LP20

<sup>135</sup> Submission document LP19

<sup>136</sup> ID 11-001-20140306

carried out during the plan preparation process, to assess the extent to which the plan, when compared against reasonable alternatives, will help to achieve environmental, economic and social objectives of sustainable development. It must be carried out in a way that meets the statutory requirements for Strategic Environmental Assessment (SEA)<sup>137</sup> to identify, describe and evaluate the likely significant effects of the plan and reasonable alternatives on the environment.

342. The PPG<sup>138</sup> details the process for SA of local plans and the content of SA reports to meet the legal requirements. In summary, it must involve consultation with certain bodies on the scope of the SA, identify the sustainability issues and problems in the area, define the objectives and baseline information against which to test the plan, test the plan and alternatives against those objectives, evaluate the likely effects, consider ways of mitigating the adverse effects and propose measures to monitor the significant effects of implementing the Plan. Paragraph 167 of the NPPF states that SA should be proportionate and the PPG<sup>139</sup> emphasises that it does not need to be done in any more detail than is considered to be appropriate for the content and level of detail in the local plan.

343. The Council submitted a comprehensive report, which summarises the SA undertaken on the preparation of the Plan<sup>140</sup>. The work was carried out by independent consultants on behalf of the Council enabling an objective assessment of the effects of the plan and its alternatives. It was started in 2013 alongside the Discussion Document and has been updated at each stage of the plan preparation process. The SA contains appropriate baseline information and identifies the key sustainability issues for the borough from which objectives were evolved. It uses a framework of eighteen SA objectives, which cover all of the topics set out in the SEA regulations and were subject to consultation with statutory bodies. These objectives have been used at each stage of the plan preparation process to assess the likely effects of alternative options for growth and the development strategy, policies and site allocations.

344. The SA appraised 5 options for growth for the borough in each of which Rugby would remain the main focus for development. The 5 growth options included (1) the Existing Balance, with Rugby the focus for all development and small scale development at the main rural settlements (MRS) within existing settlement boundaries; (2) an Urban and Urban Edge Focus similar to option 1, but with the potential for growth on the edge of Coventry; (3) a Wider Focus similar to option 1 but with small scale extensions to the MRS; (4) an Intensified Urban Focus, involving a greater focus on Rugby with development at the MRS only to meet local needs; and (5) a New Town option, similar to option 1 but with potential for a new MRS in the countryside.

345. The SA report explains the Council's decision to base the development strategy in the Publication Draft Plan on a combination of Options 3 and 5. It records that the likely effects of the 5 options for growth are broadly similar, particularly in terms of their benefits to housing and the economy. And it acknowledges the potential greater negative effects of Options 3 and 5 in terms of reduced access

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<sup>137</sup> European Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations 2004

<sup>138</sup> ID:11-001-20140306 to 11-025-20140306

<sup>139</sup> ID: 11-009-20140306

<sup>140</sup> Submission document LP03

to services and facilities, longer journeys and higher levels of car use and more harm to the landscape and the more limited benefits, in particular compared to Option 4. However, section 5 of the report explains that the need for a wider distribution of development to deliver a continuous 5 year housing land supply as required by the NPPF has led to the development strategy proposed in the submitted Plan. Ultimately the SA is an input to the plan preparation process, used to assess the extent to which the plan will achieve economic, social and environmental objectives and its likely significant effects on the environment compared to reasonable alternatives. I am satisfied that the SA has done this adequately in relation to the overall development strategy and growth options and that the report explains the reasons for not selecting the alternatives.

346. Concerns were raised in representations about differences in the assessment of Growth Option 2 in the SA report for the Preferred Option draft of the Plan<sup>141</sup> published December 2015 compared to the SA report for the Publication Draft Plan published in September 2016. This is particularly as it relates to the Council's decision not to include the Walsgrave Hill Farm site on the edge of Coventry within the Publication Draft of the Plan, having identified it as a site allocation in the Preferred Option Plan. The differences in the scoring between the 2015 and 2016 versions of SA for Option 2 were discussed at the hearings and subsequently detailed in a clarification note submitted by the Council to the examination<sup>142</sup>. It explains that the understanding of Option 2 evolved as it became evident that the Urban Edge Focus could involve significant development in the open countryside on the edge of Coventry and elsewhere, which would be more harmful to the landscape (objective SA17) than previously judged and less positive for regeneration (SA8), resources (SA9) and waste (SA10) than Option 4 which involves a greater urban focus. I recognise that SA is an iterative process where policies and proposals are appraised at each stage of the plan preparation process. Therefore SA results may change from one iteration to the next as more evidence is gathered to inform the appraisals. Consequently, I am satisfied that the SA has assessed the growth and development strategy options in the emerging Plan in a rigorous and consistent manner and on a like for like basis.

347. The SA also appraised a wide range of site options. In total 188 residential sites and 6 employment sites were assessed against the SA objectives. The detailed appraisals and justifications for the scoring of each site are set out in Appendices 5 and 6 of the SA report, from which a limited number of strategic and non-strategic site allocations have been chosen. The reasons for selecting or rejecting sites are explained in Appendix 7. Finally, Appendix 9 provides a 'policy-on' assessment for each site proposed for allocation in the Publication Draft Plan, adjusted to take account of the mitigation measures set out in proposed policies. All of this demonstrates a robust and systematic assessment of the preferred options and the reasonable alternatives.

348. I note the concerns raised in representations about the respective SA scores for the Walsgrave Hill Farm and Lodge Farm sites. However, Appendix 5 provides an objective assessment of the two sites on a like-for-like basis and Appendix 7 explains the reasons for selecting Lodge farm and not taking forward the Walsgrave Hill Farm site. A 'policy-on' assessment of Walsgrave Hill Farm

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<sup>141</sup> Examination document OTH16

<sup>142</sup> Examination document RBC/04

comparable to that provided for Lodge Farm in Appendix 9 was not appropriate or necessary given that it was not taken forward as part of the Publication Plan. Ultimately, the assessment of effects leading to SA scores involves a significant element of planning judgement based on evidence. I recognise there will be differences of opinion about the judgements applied to specific sites or policies. Indeed my own conclusions on the soundness of the proposed allocations at Lodge Farm, Coton Park and Brinklow differ from the findings of the SA in respect of a number of objectives and factors. However, there is little to suggest that the SA of Lodge Farm or Walsgrave Hill Farm, or indeed any other sites, is in any way legally flawed or non-compliant.

349. Accordingly, I find that a robust and proportionate SA of the submitted Plan has been carried out, which also incorporates the requirements for SEA. The SA was updated to take account of the MMs. On this basis it has assessed the likely environmental, social and economic effects of the Plan, tested the development strategy, site allocations and policies against reasonable alternatives and it is evident that it has influenced the policies and mitigation measures proposed. Although I disagree above with the SA of the MMs about the in-combination effects of the modified Plan, particularly in respect of the removal of Lodge Farm, overall, I conclude that the SA work undertaken on the Plan is adequate.

#### Other Aspects of Legal Compliance

350. The Plan has been prepared in accordance with the Council's Local Development Scheme (LDS)<sup>143</sup>. It is consistent with the role and content set out in the LDS and with its timetable up to submission.

351. The Habitats Regulations Assessment Final Screening Report (April 2017)<sup>144</sup> (HRA) sets out why an Appropriate Assessment (AA) of the Plan is not necessary. Two European sites, Ensor's Pool Special Area of Conservation (SAC) and the River Mease SAC are located outside Rugby Borough, but within a 20 kilometre (km) buffer zone around the borough boundary. The HRA concludes that the Plan will not have any likely significant effects on these two sites. Natural England is satisfied with this conclusion. The HRA was updated in August 2018 to take account of the MMs and reached the same conclusion. The update also considered the implications on the recent Court of Justice of the European Union judgement<sup>145</sup> on AAs, but confirmed the HRA remains legally compliant as no mitigation is deemed necessary to avoid or reduce harmful effects on European sites. Accordingly, the Plan is legally compliant with respect to the Habitats Regulations<sup>146</sup>.

352. The Plan includes a range of policies designed to secure that the development and use of land in Rugby Borough contributes to the mitigation of, and adaptation to, climate change. In particular this includes the proposed site allocations and policies for the natural environment and sustainable design and construction, which seek to increase opportunities for walking and cycling, protect green infrastructure, support renewable and low carbon technologies, encourage energy and water efficiency in new development and avoid flood risk.

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<sup>143</sup> Submission document LP23

<sup>144</sup> Submission document LP40

<sup>145</sup> People over Wind & Sweetman v Coillte Teoranta Case C-323/17

<sup>146</sup> Conservation of Habitats and Species Regulations 2010 (as amended)

353. The opening chapter of the Plan makes clear that it will replace the Core Strategy 2011 and the saved policies of the 2006 Local Plan. Although there is not a separate schedule listing the superseded policies from these two plans, I am satisfied that this statement is sufficient to comply with the requirements of Regulation 8(5).

354. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Overall Conclusion and Recommendation**

355. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

356. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that, with the recommended main modifications set out in the Appendix, the Rugby Borough Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Mike Hayden*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.