

Rugby Borough Local Plan Examination

Inspector – Mike Hayden BSc (Hons) DipTP MRTPI
Programme Officer – Carmel Edwards

Email: programme.officer@rugby.gov.uk Tel: 07969 631930

MATTERS, ISSUES AND QUESTIONS (MIQs) FOR STAGE 2 HEARINGS

Introduction

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

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

The Stage 1 hearings took place between 23 January and 1 February 2018. These considered the legal and procedural compliance of the RBLP and its soundness in respect of the main strategic issues. Whilst I have yet to reach final conclusions on the issues discussed at Stage 1, I am satisfied that the examination can proceed to Stage 2 hearings. These will consider the remaining site allocations, including residential sites at the Main Rural Settlements, and the remaining policy matters.

I have set out below under Matters 4 to 13 the main issues and questions for the Stage 2 hearings. The Stage 2 hearings are due to commence on Tuesday 17 April 2018 and are programmed to run for 2 weeks until Thursday 26 April 2018. A timetable for matters and issues to be discussed on each day is set out in the *Stage 2 Hearings Programme*.

The MIQs for Stage 2 should also be read alongside the *Examination Guidance Note*, which contains information on the hearings process and the format of and timescale for hearing statements.

Omission sites

A number of alternative housing sites have been put forward in representations on Policy DS3, which are known as 'omission sites'. I will not be considering the merits or otherwise of these sites as part of the examination, but testing the soundness of the housing allocations proposed in Policy DS3 of the RBLP and the process by which they have been selected. If following the hearings I were to conclude that the RBLP is unsound in respect of its allocations for housing sites, then it would be for the Council to put forward alternative sites to rectify any such shortcoming. In doing so the Council would need to undertake further consultation on any alternative sites proposed. Amongst other things, this would ensure that interested parties who may not previously have been affected by the plan, but could be affected by the inclusion of omission sites, have the opportunity to make representations.

Matter 4 – Non-strategic Housing Allocations at Main Rural Settlements and Coton House (Policies DS3 and DS6)

Issue 4a: Overall Soundness of the MRS Allocations

1. Are the proposed residential allocations at the Main Rural Settlements (MRS) identified in Policy DS3 positively prepared, justified, effective and consistent with national policy? In particular:
 - a. Having regard to the benefits which may arise and the harm which may be caused, do 'exceptional circumstances' exist to justify the alteration of Green Belt boundaries to allow residential development at the Main Rural Settlements?
 - b. Are the proposed MRS allocations necessary to meet the borough's housing requirement and what would be their overall contribution to maintaining a deliverable 5 year housing land supply?
 - c. Are the proposed MRS allocations consistent with the spatial strategy and settlement hierarchy for the borough as set out in Policy GP2?
 - d. Was the process for the selection of the MRS site allocations robust? Was an appropriate range and selection of sites assessed and were reasonable alternatives considered? Were appropriate criteria taken into account in deciding which sites to select? Was the assessment against those criteria robust?
 - e. Is Policy DS3 justified and effective in setting upper limits for the number of dwellings to be accommodated on each site?
2. Is Policy DS6 justified and will it be effective in ensuring sustainable development at each of the proposed MRS sites?

Issue 4b: Site Specific Issues for the MRS and Coton House allocations

1. Are the proposed residential allocations at the Main Rural Settlements identified in Policy DS3 justified as the most appropriate sites when considered against the reasonable alternatives and would they be consistent with national policy, with particular regard to the following for each site:
 - a. The effect of development on the purposes of the Green Belt as set out in paragraph 80 of the NPPF?
 - b. Whether the resulting Green Belt boundaries would be clearly defined using physical features that are readily recognisable?
 - c. The effect of development on landscape character, heritage, biodiversity, agricultural land, flood risk, highway safety, infrastructure and facilities?
 - d. The relationship of the site to the existing settlement and its accessibility to local services and facilities?
 - e. The evidence to support the site's 'deliverability' as defined in footnote 11 of the NPPF?
 - f. Their viability having regard to the provision of any infrastructure, affordable housing and other policy requirements?
2. Is the proposed allocation at Coton House (DS3.1) justified and consistent with national policy, particularly in respect of its effect on the setting of Coton House, agricultural land and landscape character?

Matter 5 – Gypsy, Traveller and Travelling Showpeople’s Accommodation (Policy DS2)

1. Is the RBLP’s approach to providing for accommodation for gypsies, travellers and travelling show people, as set out in Policy DS2, positively prepared, justified, effective and consistent with national policy in the NPPF and the Planning Policy for Travellers Sites (PPTS)? In particular:
 - a. Does the required pitch provision set out in Policy DS2 need to be updated in the light of the findings of the 2017 GTAA? If so what is the identified need for permanent and transit pitches and/or plots up to 2031?
 - b. In the light of paragraph 153 of the NPPF, what is the justification for delegating the allocation of sites for pitches to a separate DPD? Given the level of need identified in the 2017 GTAA, would the RBLP ensure fair and equal treatment for travellers and is it consistent with the PPTS in not making provision for a supply of deliverable sites to meet the first 5 years’ worth of sites against the identified need?
 - c. Is Policy DS2 as currently drafted consistent with the PPTS in terms of the criteria for allocating or developing sites? Are the criteria too restrictive? On what evidence is the Council confident that sufficient sites can be found which meet those criteria?
 - d. Is paragraph 4.22 of the supporting text justified in referring to the potential for locating gypsy and traveller accommodation sites adjacent to Coventry’s urban edge given that this is not identified as a sequential location for residential or employment development in the settlement hierarchy in Policy GP2?

Matter 6 – Housing Policies

Issue 6a: Housing Mix (Policy H1)

1. Is Policy H1 justified and consistent with national policy in its approach to delivering a mix of size of market housing in new residential development in the borough? In particular:
 - a. Does the SHMA provide a robust and up to date assessment of the mix of size of market housing required in Rugby borough over the Plan period? If not what alternative evidence is available to inform the mix of market housing sizes on future developments?
 - b. Do the criteria in Policy H1 provide sufficient flexibility to vary the mix of sizes of market housing according to site specific circumstances? If not what other factors should be taken into account?
 - c. Does Policy H1 make adequate provision for self-build development as part of the housing mix in the borough?

Issue 6b: Affordable Housing (Policy H2)

1. Is Policy H2 justified and consistent with national policy in its approach to the provision of affordable housing in new residential developments in the borough? In particular:
 - a. Does the SHMA provide a robust and up to date assessment of the need for affordable housing in Rugby borough over the Plan period to support the proposed targets and tenure mix?

- b. Are the proposed targets of 20% on brownfield sites and 30% on greenfield sites and the tenure mix supported by viability evidence?
- c. Should a single target for affordable housing be applied across the borough or should there be flexibility for more locally determined targets? If so what robust evidence is available to support this and how would this be expressed in Policy H2?
- d. Is the range of affordable housing tenures set out in the supporting text to Policy H2 consistent with the latest definition of affordable housing in national policy?
- e. What further requirements for affordable housing will be contained in the Housing Needs SPD and will this be consistent with the provisions for supplementary planning documents set out in paragraph 153 of the NPPF?

Issue 6c: Rural Housing (Policies H3, H4 and H5)

- 1. Is the approach to rural workers dwellings set out in Policy H3 and the supporting text justified and consistent with national policy? Will it be effective in managing the essential need for dwellings to support rural businesses? In particular, are the terms 'functional need' and 'unit' adequately defined in the policy or supporting text?
- 2. Does Policy H4 apply to sites adjacent to rural settlements within the Green Belt and if so would it be consistent with national policy on development in the Green Belt?
- 3. Is Policy H4 justified and consistent with national policy on rural exception sites?
- 4. Is Policy H5 consistent with national policy on replacement dwellings in the Green Belt and the countryside?

Issue 6d: Specialist Housing (Policy H6)

- 1. Is Policy H6 justified, effective and consistent with national policy? In particular:
 - a. Is it justified and will it be effective in securing housing to meet the needs of older people on large developments?
 - b. Should C2 residential care institutions count towards the borough's housing requirement? If not should proposed modification LP54.65 to delete paragraph 5.46 from the RBLP be treated as a 'main modification'?

Matter 7 – Economic Development Policies

Issue 7a: Protection of Rugby's Employment Land (Policy ED1)

- 1. Is Policy ED1 positively prepared, justified, effective and consistent with national policy, with particular regard to the following:
 - a. Its approach to the development and redevelopment of existing major employment sites in the Green Belt? Would greater intensification of employment uses at the Ansty Park and ProLogis Ryton sites be consistent with national policy on the redevelopment of previously developed sites in the Green Belt?

- b. Is the retention in the Green Belt of the sites at Ansty Park and ProLogis Ryton soundly based?
- c. Are the requirements for 1 and 2 year marketing periods to test for ongoing demand for employment uses on non-allocated and allocated employment sites justified and consistent with national policy on the reuse and redevelopment employment land for alternative uses? Should a more flexible approach be applied taking account of the overall supply of employment land remaining in the borough?
- d. Should Policy ED1 require provision to be made for the needs of small and medium sized enterprises in redevelopment proposals for existing employment sites?

Issue 7b: Other Employment Policies (Policies ED2 to ED4)

1. Taken together, are Policies ED3 and ED4 consistent with national policy in supporting the sustainable growth and expansion of all types of business and enterprise within rural areas?
2. Should the RBLP include a policy to guide the consideration of proposals for Motorway Service Areas in the borough?

Matter 8 – Retail and Town Centre Development

Issue 8a: Development of Retail and Other Main Town Centre Uses (Policies TC1-3)

1. Is Policy TC1 consistent with national policy on requiring good design?
2. Are Policies TC2 and TC3 justified, effective and consistent with national policy, with particular regard to the following:
 - a. Is there a need to identify a range of suitable sites to meet the scale of retail floorspace for which Policy TC2 states provision will be made?
 - b. Are Policies TC2 and TC3 consistent with the sequential test for retail and other main town centre uses set out in the NPPF?
 - c. How are 'Edge-of-Centre' and 'Out-of-Centre' locations defined with respect to the 'Primary Shopping Area' in Policy TC2 and 'Rugby Town Centre' in Policy TC3 to ensure clarity and consistency in the way the policies are applied to different main town centre uses?
 - d. Is a threshold of 500 sqm for impact assessments for retail, office and leisure uses outside of Rugby town centre justified as the most appropriate strategy, based on proportionate evidence?

Issue 8b: Primary Shopping Area and Shopping Frontages (TC4)

1. Is Policy TC4 for the primary and secondary frontages in Rugby town centre justified, effective and consistent with national policy, with particular regard to:
 - a. The extent of the frontages defined on the Policies Map?
 - b. The threshold of 40% for non-A1 uses within the primary frontages?

**Matter 9 – General Principles
(Policies GP1, GP3-GP5)**

Issue 9a: Securing Sustainable Development (Policy GP1)

1. The second half of Policy GP1, as proposed to be modified, reiterates the second part of paragraph 14 of the NPPF. The Planning Practice Guidance (PPG) on Local Plans (ID: 12-010-20140306) indicates that there should be no need to do this. Is there a need for Policy GP1?

Issue 9b: Previously Developed Land and Conversions (Policy GP3)

1. Is Policy GP3 consistent with the provisions of the GPDO in respect of prior approval for the change of use of agricultural buildings to residential?

Issue 9c: Safeguarding Development Potential (Policy GP4)

1. Is Policy GP4 justified, effective and consistent with national policy in seeking to safeguard the development potential of land which is not necessary for the delivery of planned development or infrastructure identified within the RBLP?

Issue 9d: Parish or Neighbourhood Documents (Policy GP5)

1. Is Policy GP5, as proposed to be modified (LP54.3), justified and consistent with national policy, with particular respect to:
 - a. The reiteration of the statutory provisions and policies in paragraphs 184 and 185 of the NPPF on the role and status of Neighbourhood Plans in the planning process?
 - b. The weight to be given to non-statutory parish plans and design statements in the determination of planning applications?

**Matter 10 – Healthy, Safe and Inclusive Communities
(Policies HS1-HS5)**

Issue 10a: Health Impact Assessments (Policy HS2)

1. Is Policy HS2, as proposed to be modified (LP54.67), justified and consistent with national policy in seeking health impact assessments for all Class C2 and C3 residential developments over 150 units? What is the basis for this threshold in the evidence?
2. Do the proposed 'minor modifications' set out in LP54.67 materially alter the plan or its policies and if so should they be treated as 'main modifications'?

Issue 10b: Local Shops, Community Facilities & Services (Policy HS3)

1. Is Policy HS3 justified, effective and consistent with national policy in seeking to guard against the loss of valued facilities and services which meet the day to day needs of local communities?

Issue 10c: Open Space and Recreation (Policy HS4)

1. Is Policy HS4, as proposed to be modified, justified on the basis of proportionate evidence and consistent with national policy, in particular in relation to the open space standards for new residential development?

2. Do the proposed 'minor modifications' in LP54.69 and LP54.70 materially alter the policy and if so should they be treated as 'main modifications' necessary to make the RBLP sound?

Issue 10d: Traffic Generation and Air Quality (Policy HS5)

1. Is Policy HS5 consistent with national policy, in particular with respect to air quality management?
2. Will it be effective in ensuring that development proposals in the RBLP adequately mitigate the effects of the growth in traffic over the plan period on air quality, noise and vibration in surrounding residential communities?
3. Should the policy make reference to measures set out in the Air Quality supplementary planning document?

Matter 11 – Natural Environment (Policies NE1-NE4)

Issue 11a: Biodiversity and Geodiversity (Policies NE1 and NE2)

1. Is Policy NE1 effective and consistent with national policy, with particular regard to:
 - a. The protection of ancient woodland and aged or veteran trees?
 - b. International and European nature conservation designations?
2. Is Policy NE2 consistent with national policy, particularly in respect of its requirement for development to compensate for 'negative impact' on biodiversity where this cannot be avoided or mitigated, with reference to paragraph 118 of the NPPF?

Issue 11b: Blue and Green Infrastructure (Policy NE3)

1. Is Policy NE3 effective and consistent with national policy in respect of its approach towards the creation of a comprehensive green infrastructure network in the borough?

Issue 11c: Landscape Protection and Enhancement (Policy NE4)

1. Is Policy NE4 effective and consistent with national policy in respect of the protection of significant landscape features and landscape character in the borough? In particular, should the Rainsbrook Valley be recognised in the policy as a key local landscape to be protected from development?

Matter 12 – Sustainable Design and Construction (Policies SDC1-SDC9)

Issue 12a: Sustainable Design (Policy SDC1)

1. Is Policy SDC1, as proposed to be modified, positively prepared, effective and consistent with national policy? Are the proposed minor modifications (LP54.76) necessary to make the plan sound? If so, how, and should they therefore be regarded as 'main modifications'?

Issue 12b: Landscaping (Policy SDC2)

1. Is Policy SDC2, as proposed to be modified, effective and consistent with national policy? Is the proposed minor modification (LP54.78) necessary to make the plan sound? If so, should it be regarded as a 'main modification'?

Issue 12c: Historic Environment (Policy SDC3)

1. Is Policy SDC3 consistent with national policy as set out in section 12 of the NPPF on 'Conserving and enhancing the historic environment'?

Issue 12d: Sustainable Buildings (Policy SDC4)

1. Is Policy SDC4, as proposed to be modified, justified and consistent with national policy, with particular regard to:
 - a. The proposed optional higher Building Regulations water efficiency standard of 110 litres/person/day?
 - b. The inclusion of a minimum BREEAM 'very good' standard for non-residential buildings of over 1000sqm?
2. Would the proposed minor modifications LP54.79-LP54.83 to Policy SDC4 and its supporting text materially alter the plan or its policies? If so should they be treated as 'main modifications'?

Issue 12e: Flood Risk and Sustainable Drainage (Policies SDC5 and 6)

1. Is Policy SDC5, as proposed to be modified, effective and consistent with national policy in respect of the management of flood risk in relation to new development?
2. Is Policy SDC6, justified, effective and consistent with national policy with regard to its requirements for sustainable urban drainage systems in all developments and encouragement of the re-use and recycling of surface water and domestic waste water?
3. Do the proposed minor modifications to Policies SDC5 and SDC6 and their supporting text (in LP54.84-LP54.94) materially alter the policies or their application? If so should they be treated as 'main modifications'?

Issue 12f: Water Environment and Supply (Policy SDC7)

1. Is policy SDC7 justified, effective and consistent with national policy, in particular in seeking to direct development to areas of adequate water supply and ensure development does not 'affect' water bodies?
2. Are the proposed housing and employment allocations in the RBLP consistent with Policy SDC7 in respect of the adequacy of the local water supply and the capacity of nearby waste water treatment works? Have any necessary improvements to water supply and waste water treatment infrastructure been included in the IDP and taken account of within the relevant development viability appraisals?

Issue 12g: Renewable Energy (Policy SDC8)

1. Is Policy SDC8 and its supporting text, as proposed to be modified in LP54.95-LP54.98, positively prepared, justified and consistent with national policy in its approach to development proposals for renewable and low carbon energy installations, particularly with regard to proposals for solar farms?

Issue 12h: Broadband and Mobile Internet (Policy SDC9)

1. Is Policy SDC9 justified and consistent with national policy, particularly with regard to its requirements on the price and range of providers of broadband services to be made available in new developments?

**Matter 13 – Delivery
(Policies D1-D5)**

Issue 13a: Transport (Policy D1)

1. Is Policy D1 positively prepared, effective and consistent with national policy, in particular in seeking to 'avoid the adverse impacts of traffic' rather than 'reduce' its potential impacts?
2. Should Policy D1 refer to the transport mitigation proposals set out in the Infrastructure Delivery Plan and the Sustainable Transport Strategy as the basis for mitigating the effects of major development proposals?

Issue 13b: Parking Facilities and Standards (Policy D2 and Appendix 5)

1. Are Policy D2 and the standards set out at Appendix 5, as proposed to be modified (LP54.179), effective and consistent with national policy, with particular reference to:
 - a. Whether the standards for residential development should be regarded as the maximum level of car parking permitted or expressed as guidance? Should the proposed modification LP54.179 be treated as a 'main modification'?
 - b. The absence of parking standards for students and parents for secondary school 6th forms and for special schools?

Issue 13c: Infrastructure and the IDP, including Secondary Education Facilities (Policy D3 and Appendix 3)

1. Is Policy D3 justified, effective and consistent with national policy in its approach to the provision of new or improved infrastructure to support the scale of development proposed in the RBLP?
2. Does the Infrastructure Delivery Plan, as proposed to be modified in LP54.117-LP54.141, contain the full range of infrastructure necessary to mitigate and support the development proposed in the RBLP, including that identified in the Strategic Transport Assessment and the Council's written statements to the Stage 1 hearings?
3. In the light of the statement on secondary education to be submitted by the Council at the end of February 2018, does the RBLP make adequate provision for additional secondary education facilities to meet the needs arising from the housing growth proposed over the plan period to 2031?

Issue 13d: Planning Obligations (Policy D4)

1. Is Policy D4 justified, effective and consistent with national policy in its approach to the use of planning obligations to mitigate the impact of development? In particular, is it consistent with the tests in paragraph 204 of the NPPF and the expectation in paragraph 203 of the NPPF that planning obligations should only be used where it is not possible to address unacceptable impacts by use of planning conditions?