

TOWN AND COUNTRY PLANNING ACT 1990

**SUBMISSION IN RESPONSE TO
THE RUGBY BOROUGH LOCAL PLAN EXAMINATION**

STAGE 2 HEARING – MATTERS, ISSUES AND QUESTIONS

**STATEMENT – MATTER 12: SUSTAINABLE DESIGN AND CONSTRUCTION
ISSUE 12B: LANDSCAPING (POLICY SDC2)
ISSUE 12D: SUSTAINABLE BUILDINGS (POLICY SDC4)
ISSUE 12F: WATER ENVIRONMENT AND SUPPLY (POLICY SDC7)**

MARCH 2018

**ON BEHALF OF DB SYMMETRY, TAYLOR WIMPEY, GALLAGHER ESTATES, RICHBOROUGH
ESTATES LTD AND WARWICKSHIRE COUNTY COUNCIL (PROPERTY SERVICES)**

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1.0 INTRODUCTION

1.1 This statement has been prepared on behalf of db symmetry Ltd, Taylor Wimpey UK Limited, Gallagher Estates Limited, Richborough Estates Ltd, and Warwickshire County Council (Property Services, as a landowner) (hereafter known as the 'parties') in response to the Inspector's Questions for the following hearing session: Matter 12.

1.2 The statement is submitted on behalf of parties who all have land interests at the South West Rugby allocation site, which is allocated for 5,000 dwellings and 35 hectares of B8 employment land (policies DS3, DS4, DS5, DS8 and DS9) (the site is shown on LP02.9).

1.3 Submissions have been made at previous consultations on the draft Local Plan and these representations should be viewed in the context of our previous comments. A Planning Statement of Common Ground (SoCG) has been agreed with the parties and Rugby Borough Council (RBC) and an Education SoCG agreed between the parties and Warwickshire County Council (Education and Learning). These are contained within the examination library under reference OTH18 and OTH08 respectively.

2.0 MATTER 12 – SUSTAINABLE DESIGN AND CONSTRUCTION

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’?**

2.1 We object to the third bullet point of Policy SDC2 which states that ‘All proposals should ensure that: Features of ecological, geological and archaeological significance are retained and protected and opportunities for enhancing these features are utilised;’.

2.2 This requirement is overly onerous, ineffective and is not consistent with national policy. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, but importantly recognising that harm resulting from development cannot always be avoided, and in such circumstances it can be acceptable to adequately mitigate or compensate for the identified harm.

2.3 Policy SDC2 does not currently allow for such flexibility in line with Paragraph 118 of the NPPF and should be amended as follows:

‘All proposals should ensure that:

Features of ecological, geological and archaeological significance are retained and protected wherever possible and opportunities for enhancing these features are utilised. Where loss of such features is unavoidable, the

features shall be mitigated / compensated for as part of the development proposals.'

2.4 The first bullet point of Policy SDC2 should also be made more flexible in line with paragraph 118 of the NPPF and seek to retain important site features identified through detailed site surveys 'where possible'. Thus, the wording of the first bullet point should be amended as follows:

'All proposals should ensure that:

- Important site features have been identified for retention where possible through detailed site surveys;'

2.4 We consider the proposed deletion of the 2nd bullet point under LP54.78 necessary to make the plan sound. However, given the nature of the change we do not consider this needs to be regarded as a main modification.

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?

- 2.5 We consider the proposed optional higher Building Regulations standard to be unjustified and inconsistent with national policy. Water efficiency is governed by separate legislation under building regulations and the Government's Ministerial Statement of 25 March 2015 makes clear that "From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings."
- 2.6 Thus the requirement in the policy is a duplication of control, unnecessary and inconsistent with national policy.
- 2.7 Notwithstanding the above we disagree with proposed modification LP54.82 as the Water Cycle Study does not justify the Council's approach. The Council has not demonstrated the need for the higher optional water efficiency standard of 110 litres per day per person as opposed to the mandatory Building Regulation standard of 125 litres per day per person. The Joint Warwickshire Partnership Water Cycle Study Final Report dated May 2017 by AECOM confirms that "the study area would have adequate water supply to cater for growth over the plan period" so it is not identified as an area of serious water stress as set out in the NPPG (ID 56-016) which may have supported a tighter water efficiency standard.
- 2.8 For the reasons above consider this requirement within policy SDC4 should be deleted.

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'?

2.9 As above, we disagree with proposed modification LP54.82 and consider this should be deleted from Policy SDC4 as a main modification.

2.10 We support the deletion of proposed minor modifications LP54.80 and LP54.81. We do not consider their deletion would materially alter the plan.

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?

2.11 The consortium are not aware of any significant constraints across the South West Rugby allocation in respect of water supply and waste water capacity. For this reason, at the planning application stage, the parties do not consider water supply and waste water capacity will prevent development on the Site coming forward.

2.12 DB Symmetry have recently submitted an Outline Planning Application for the employment element of the South West Rugby Site (ref: R16/2569) which includes an Environmental Statement (ES). The ES confirms that development at the Site will not adversely impact on the water quality of the Draycote Meadows Site of Special Scientific

Interest nor the 16 other non-statutory designations within 2 km of the site. In summary, the Draycote Meadows SSSI is located upstream of the site, there are no water course connections to it and therefore development on the site will not impact on its water qualities.

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?

2.13 The consortium are not aware of any significant constraints across the South West Rugby allocation in respect of water supply and waste water capacity.

2.14 It is anticipated that that wastewater from the South West Rugby allocation would be pumped to Dunchurch Wastewater Treatment Works.

2.15 The Water Cycle Strategy (WCS) 2017 [LP32] confirms that in respect of the Dunchurch Wastewater Treatment Works this has capacity for planned growth up to 2030 and post 2030 this will require conventional and possibly non-conventional treatment process upgrades and flow upgrades to meet river quality targets. The WCS notes that ‘the current treatment performance of Dunchurch Wastewater Treatment Works is already very good using currently available treatment technologies’.

2.16 Thus, there is a high level of certainty that Dunchurch Wastewater Treatment Works has sufficient headroom capacity to accept growth during most of the plan period to accommodate planned development via the Local Plan.

2.17 Further, in respect of the phasing of upgrades, Severn Trent Water have confirmed that there are no land or other constraints preventing expansion at the Dunchurch Wastewater Treatment Works. Given that the upgrades would not be required until the end of the Plan Period, it is also noted that funding for the upgrades is not required immediately.