



Our Ref:
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Issues and Options Consultation
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Dear Sir / Madam

**Local Plan Review – Issues and Options Consultation
Representations on Behalf of Barberry**

Harris Lamb Planning Consultancy is instructed by Barberry to submit representations to the Rugby Local Plan Issues and Options consultation and make a Call for Sites submission in respect of their land interests adjacent to Junction 2 of the M6 at Ansty. This letter has been prepared to respond to the various questions identified in the Issues and Options consultation document of October 2023. A separate Call for Sites submission is submitted alongside these representations.

It is noted that the updated version of the National Planning Policy Framework was published on 19th December 2023. The updated version of the Framework post-dated the publication of the Issues and Options consultation document. As a consequence, the Issues and Options consultation document draws upon the policies and guidance in the previous version of the Framework (September 2023).

The December 2023 Framework sets out in Annex 1 arrangements for transitional provisions in respect of plan making. At paragraph 230 it confirms that plans which have not reached Regulation 19 consultation by 19th March 2024 must be considered under the provisions of the most recent Framework. As the Plan is unlikely to reach pre-submission draft consultation by this date policies in the December 2023 Framework will apply. Officers should also be aware of the further proposed changes to the plan making system that lie ahead if the plan is not submitted before 30th June 2025. On this basis, we understand that the Council is aiming to submit a Plan for examination by this date in order to be examined under the current system.

Our representations are set out below and we respond to the various questions raised in the consultation document as appropriate to Barberry’s land interest at Junction 2 of the M6, Ansty.

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Why Are We Updating The Local Plan?

We support the recognition in the “Why Are We Updating Our Local Plan?” section on why a full replacement Local Plan rather than a partial update of the Local Plan 2011 to 31 is to be prepared. Paragraph 2.20 confirms that the Council decided to proceed with a full updated of Local Plan policies in December 2022 following several changes that feel in favour of this approach including the declaration of a climate emergency by the Council, the introduction of the Environment Act, new evidence of future needs for home and employment land and need for policies that support the regeneration of Rugby Town Centre. Accordingly, it was agreed that a new Local Plan should be produced.

Vision and Objectives

It is noted that the Issues and Options consultation does not include a section that sets out the Vision for the Plan or identifies any Objectives that the Plan is intended to meet. The inclusion of a Vision and Objectives would help frame what the Plan is intended to deliver and to set the scene for the more detailed policies that will guide the future development of the Borough over the Plan Period. It is recommended that a Vision and Objectives are identified and included within the Preferred Option Local Plan.

Land for Employment Uses

Question 1 – How much employment land should we be planning for?

The table following paragraph 3.37 indicates that if the Plan Period were to run from 2021 to 2041 there would be no requirement for additional industrial land in order to meet the requirement of 150.5 hectares. However, if the Plan Period were to run from 2021 to 2050 there would be an additional need for 40.29 hectares of industrial land. The above figures exclude the requirement to accommodate warehousing or offices. As such, even if the Plan Period were to run to 2041 there would in our view be a need for additional land to be identified for Coventry and Warwickshire strategic warehousing requirement. Whilst it is yet to be established exactly what proportion of the sub-regional requirement would need to be accommodated within Rugby this would be in addition to any employment land required to meet Local Boroughwide needs.

Barberry, therefore support the need to identify an additional 40.29 hectares of industrial land to meet Rugby’s needs if the Plan Period were to run to 2050. In addition, Barberry also support the ongoing need to identify land to meet the strategic Coventry and Warwickshire warehousing requirement and consider that its site at Junction 2 of the M6 could be a potential location to meet either of these requirements.

Question 2 – What type of employment land should we be planning for?

In light of our response to question 1 above we agree that additional land for employment use needs to be provided to meet Rugby’s needs so that it is capable of delivering high quality warehousing development along with site specific allocations for B2 industrial and light industrial (now Class E(g)(iii)) land.

In addition, it is considered that Rugby should also be looking to accommodate a proportion of Coventry and Warwickshire’s strategic warehousing requirement although it is noted that the exact proportion of this that Rugby should accommodate is yet to be established and we look forward to working with the Council and determining what proportion this may be.

Question 3 – Please provide any comments you have on the suitability of any of the broad locations listed above (or another location we have missed)

In light of the land that Barberry are promoting at Junction 2 of the M6 we generally support the strategic location identified at Junction 2 of the M6 as being suitable for new employment development. Whilst the proposed location indicates that the land is to be located on the north side of the M6 we consider that the land under Barberry's control on the south side of the M6 is also highly suited to employment development. The accompanying Call for Sites submission and Vision Document that has been prepared in respect of the land highlights the suitability of the site and confirms that there are no technical, physical or environmental reasons that would prevent its development for employment use. The Vision Document confirms discussions that have been undertaken with Highways England in respect of securing an appropriate access into the site which can be achieved via a new traffic light control junction on to the A46. The site itself can deliver either a range of mid-box size units or a single larger unit should this be required.

We, therefore, recommend the land to the south of Junction 2 of the M6 be included as an additional suitable broad location for new employment development on the basis that the site is deliverable, is unconstrained and would make a positive contribution to the provision of new employment floorspace within the Borough.

Question 4 – How can we provide more space to allow existing businesses to expand?

The key to being able to allow more businesses to expand is to ensure that the Local Plan allocates a sufficient range of different sites that are suitable for a range of end users and occupiers. By allocating a range of different sites in different locations across the Borough this will ensure that existing business based in the Borough are able to relocate on to alternative or larger sites thus enabling them to expand their businesses whilst also retaining their workforce and location within the Borough. The recently published Framework confirms that significant weight should be placed on the need to support economic growth and productivity by taking into account both local business needs and wider opportunities for development. It goes on to state that planning policies should positively and proactively encourage sustainable economic growth and either set criteria or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period. Identifying a range of different sites and allocations to meet the employment needs will, therefore, ensure that the future needs of existing businesses are able to be met within the Borough.

Question 5 – We are minded to allocate sites specifically for industrial (B2) and light industrial (E(g)(iii)) uses. Do you support this and if so, where?

Barberry generally support the intention to identify sites specifically for B2 and light industrial use. The land that Barberry is promoting at Junction 2 of the M6 would be suitable for B2 or light industrial use. However, the site is also suitable for meeting the strategic warehousing requirement for Coventry and Warwickshire in this location as well. As such, the site could be allocated to meet either B2 light industrial requirements or the strategic warehouse requirement for Coventry and Warwickshire. The accompanying Vision Document submitted as part of the Call for Sites demonstrates two options of how the site could be potentially laid out in order to meet these differing needs.

Question 6 – Are there exceptional circumstances that mean we should amend Green Belt boundaries to meet the need for employment land?

Yes, exceptional circumstances do exist. The table following paragraph 3.37 of the Issues and Options document highlights that it would be necessary for the Council to find a further 40.29 hectares of employment land if the Plan Period were to run to 2050. The Council do

not have an additional 40.29 hectares of land that is located on suitable sites that are located outside of the Green Belt. Furthermore, the requirement also excludes the Coventry and Warwickshire strategic warehousing requirement or meeting Rugby Borough's needs for offices. As such, the 40.29 hectares should be treated as a minimum and that in reality significant additional land will be required to meet the needs in full. The Issues and Options document confirms that the exact quantum of the strategic Coventry and Warwickshire warehousing need has yet to be established between the Coventry and Warwickshire authorities so it is likely that any contribution to meeting this would require additional land over and above the 40.29 hectares that is currently identified. Paragraph 11a of the Framework states that in respect of plan making all plans should promote a sustainable pattern of development that seeks to:

- Meet the development needs of their area;
- Align growth and infrastructure;
- Improve the environment; and
- Mitigate climate change (including by making effective use of land in urban areas) and adapt its effects.

Paragraph 11b goes on to state that strategic policies should as a minimum provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas. Footnote 6 advises that this should be established through Statements of Common Ground. However, as an exception to this it is not necessary to meet the overall development requirements if the application of the policies in the Framework that protect assets of particular importance provide a strong reason for resisting the overall scale, type or distribution of development in the plan area. Footnote 7 confirms that one of the restricted designations is the Green Belt. This guidance is the starting point for the Council in considering how it should meet its employment requirements and has direct implications for the consideration of the Council's development strategy generally.

It is noted that not all of Rugby Borough lies within the Green Belt, with the Green Belt located between Rugby Town and the eastern edge of Coventry. The majority of the broad locations provided on page 17 are predominantly in the Green Belt. However, the guidance in Footnote 7 of the Framework confirms that it is not necessary for local authorities to remove land from the Green Belt to support development requirements. Conversely, paragraph 11b requires strategic policies to, as a minimum, provide for objectively assessed development needs. The consequence of this is that if land is not removed from the Green Belt the non-Green Belt sections of Rugby, which are predominantly rural and located to the east and south of Rugby Town, would automatically be expected to deliver significant levels of additional development which are considered to be in less sustainable locations. We consider that this approach is entirely inappropriate in the context of the PPG, that outlines the strategic policy making authorities should consider the most appropriate locations for meeting the identified needs. The Issues and Options document at paragraphs 3.38 to 3.42 state that large scale and manufacturing distribution uses need to have good access to A roads and the motorway. Furthermore, HGV routing through residential areas should be avoided and large scale employment allocations should be close to existing settlements to allow staff access to work in remote rural locations should be avoided. Accordingly, the potential strategic employment locations have been identified in close proximity to either motorways, main roads or larger settlements. We consider this approach entirely appropriate notwithstanding the fact that some of these locations are located in the Green Belt.

In summary, Barberry consider that there are exceptional circumstances to release land from the Green Belt in order to accommodate additional employment development within the Borough. This additional employment development would be to either meet Rugby's needs for industrial land, or potentially to contribute to meeting the Coventry and Warwickshire strategic warehousing requirement. The Issues and Options document confirms that an additional 40.29 hectares of employment land is needed to meet Rugby's needs if the plan

period were to run to 2050. Barberrry consider that there is insufficient land to be suitable to meet these needs that is located in sustainable and accessible locations outside of the Green Belt and that as a result the Council are to meet its employment needs and any meaningful contribution to meeting the wider needs of the sub-region will need to be removed from the Green Belt in order to do so. The land at Junction 2 of the M6 is currently located in the Green Belt albeit the site is surrounded by significant road infrastructure and plays a limited role in Green Belt terms. Its removal from the Green Belt and allocation for development would make a significant contribution to meeting the employment land needs of the Borough.

Question 22 – Should we identify priority locations or allocate sites for biodiversity net gain for sites which are unable to provide all the net gain on site and, if so, where?

The proposal to allocate sites so that these could be used where other sites for development are unable to achieve 10% biodiversity net gain on site is supported in principle. The statutory requirement that the Environment Act places on new development to achieve 10% net gain may not always be achievable on site and as such, a proactive approach to identifying alternative sites within the Borough that could be used for this purpose is supported by Barberrry.

Question 23 – Would you support the creation of additional country parks as part of delivering biodiversity net gain?

Barberrry in principle would support the creation of additional country parks, particularly if they are run and managed by the Borough Council, as the Council would then be the arbiter of achieving biodiversity net gain on these sites. Any schemes to achieve biodiversity net gain could be run and operated by the Borough Council who would retain direct control over the delivery of biodiversity net gain. The use of country parks would be a simpler way to achieve biodiversity net gain for the Council and would provide developers and promoters a possible option to achieving net gain rather than having to use offsetting providers or to go to the private market to secure biodiversity offset credits. In addition, the provision of country parks would also have other wider benefits to residents of the Borough in terms of improving access to the countryside and recreation opportunities.

Question 24 – Should we require developers to prioritise the delivery of biodiversity net gain within close proximity to the developer?

No, we do not agree with this proposal as it could severely limit the ability of certain sites to be developed if for example there were no suitable sites to achieve biodiversity net gain in close proximity to a particular development Site. As such, Barberrry would seek a more flexible approach to where biodiversity net gain could be delivered within the Borough or even further afield if necessary. Clearly, the intention would be to achieve biodiversity net gain on site as a starting point but in those instances where this is not achievable or deliverable then Barberrry would like to look at all other options for how it could be achieved and not be restricted to having to deliver it in close proximity.

Question 26 – We are considering requiring all new non-residential developments to be net zero. Do you agree?

Barberrry welcome in principle the objective of new non-residential developments to be net zero and as a company are actively pursuing development that seeks to achieve this standard. A number of recent developments that Barberrry have completed in the West Midlands region have secured BREAM meetings of excellent so the concept of delivering high standards of sustainability and environmental performance within new developments is something that Barberrry are already delivering in their developments. The question arises of what mechanism this should be achieved by. Currently, the performance of new development and buildings in environmental terms are largely governed by building regulations with new buildings having to

comply with building regulations. As building regulations are regularly reviewed and the standards are increasingly raised in order to ensure continuing improvements in environmental performance, this provides a much more flexible tool to ensure that the environmental performance of new buildings constantly improves. This graduated process towards achieving net zero is considered to be a more appropriate way of achieving the end goal rather than imposing a planning policy which upon the time of adoption would require all developments to achieve this standard. There is also the issue of duplication of control and which system of regulations should take primacy. Barberrry remain of the view that building regulations is the more appropriate way of controlling energy performance and achieving net zero and we would therefore wish the Local Plan to steer away from imposing such a policy.

Question 28 – Should we require non-residential development to meet higher water efficiency standards to reduce water usage?

We refer you to our answer to question 26 above that states that in Barberrry's view building regulations are the most appropriate way of controlling the performance of new buildings. Clearly, if building regulations were to impose ever increasing standards to meet high water efficiency standards then these would need to be complied with when undertaking new development. As such, we consider the more appropriate way to achieve high water efficiency standards would be through building regulations rather than a policy in the Local Plan.

Question 29 – Should we produce design codes as part of our new Local Plan?

The recently updated Framework introduced the requirement for local authorities to produce design codes. Whilst this is not explicit in the Framework that these should largely apply to new residential development Barberrry would be concerned if design codes were to apply to new commercial development and would wish to steer away from such a scenario. The design and appearance of large scale new commercial development is largely a function of the form of buildings that are to be constructed with limited scope to introduce a wider variety of design into them so that they still achieve their end goal. Having to adhere to design codes when developing and bringing forward such sites would pose a further cost and delay with limited additional benefit generated by the requirement. As such, Barberrry contend that if design codes are to be pursued it should be principally prepared in relation to new residential development only.

We trust you take our comments into consideration and look forward to being notified of the next stage of preparation of the Local Plan. Should you have any questions or queries about the comments above please do not hesitate to contact me.

Yours faithfully