



Homes
England

The Housing and Regeneration Agency

Development Strategy Team
Rugby Borough Council
Town Hall
Evreux Way
Rugby
CV21 2RR

02/02/2024

RUGBY LOCAL PLAN ISSUES AND OPTIONS (OCTOBER 2023)

Homes England welcomes the opportunity to provide representations in response to Rugby Borough Council's Issues and Options consultation (October 2023).

Homes England is working with the consortium of developers and landowners at South West Rugby to help facilitate the delivery of the allocation.

Homes England has a dual role at South West Rugby, as both master developer/ funder and landowner. In its role as Master Developer, Homes England is forward funding and leading on the delivery of key highway and utility infrastructure in collaboration with the consortium of developers including Taylor Wimpey, L&Q Estates, Tritax Symmetry and Richborough. As a landowner, Homes England is seeking to accelerate the delivery of housing and supporting community uses, including schools and a District Centre on land within its ownership.

Land for House Building

The Local Plan Issues and Options identifies Rugby Borough Council's expected sources of housing supply as of 31st March 2023 in the table at paragraph 9.21 of the consultation document. This includes a total of 4,766 homes at the South West Rugby allocation (with 4,364 homes being delivered by 2041). We assume that this figure includes the parts of the wider allocation (i.e. 860 homes at Ashlawn Road (LPA Ref: R13/2102) and 150 homes South of Coventry Road (LPA Ref: R18/0262)) that have already been delivered to date.

South West Rugby SUE is a strategic allocation in the adopted Rugby Borough Council (RBC) Local Plan (2019), and is set to deliver circa 5,000 new homes, primary and secondary schools, a new neighbourhood centre, 35 ha of employment land and green infrastructure, in addition to key highways infrastructure that will bring improvements to the wider South West Rugby area.

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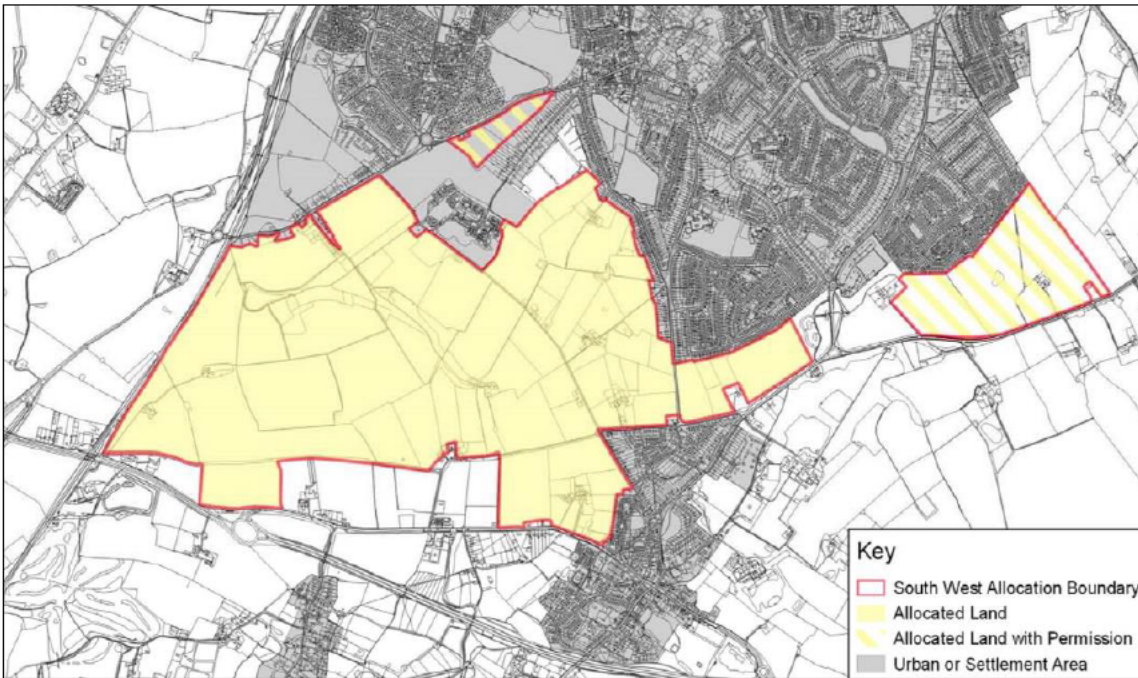
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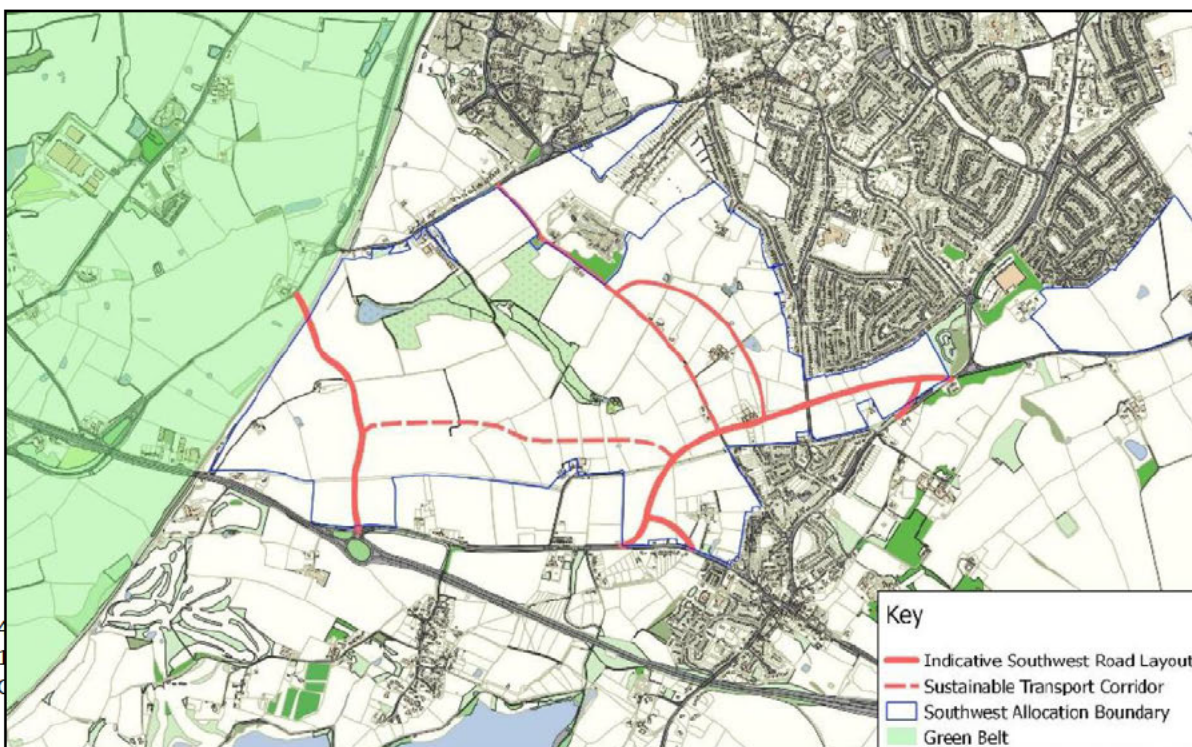
Homes England

South West Rugby allocation boundary (2019)



In addition to the site's allocation in the Local Plan (2019), the spine road network to support the site is also allocated. This is identified on the plan below.

Indicative SWLR Layout from Rugby Local Plan 2011 – 2031



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The requirement to deliver enabling infrastructure including the Homestead Link Road has been identified as key to unlocking the delivery of new homes at this site. Homes England has adopted the role of Master Developer and has secured funding from Treasury that includes forward funding of key highway infrastructure including the Homestead Link Road, and strategic utilities.

The SW Rugby allocation is currently being progressed and has already been subject to several planning applications and permissions, several of which are already being built out. These include:

Wider allocation

- An outline application for up to 860 homes and a new primary school was granted at Appeal in July 2017 (LPA Ref: R13/2102). The application was submitted by L&Q Estates (then Gallagher Estates). Numerous reserved matters have been approved and development is already well progressed on the site.
- An outline application for 150 homes was approved in January 2018 (LPA Ref: R15/1816) and reserved matters approval was secured in August 2018 (LPA Ref: R18/0262). The development is largely complete.

Land within consortium control

The remainder of the SW Rugby allocation is being progressed by numerous other public and private landowners including Homes England, Taylor Wimpey, Tritax Symmetry, L&Q Estates and Richborough.

- An outline application for 186,500 sqm of B8 floorspace submitted by Tritax Symmetry secured a resolution to grant planning permission subject to the completion of a s106 at planning committee on 16 September 2020 (LPA Ref: R16/2569). The s106 was completed and the decision notice issued in November 2020;
- Tritax submitted an application for full details of the first two B8 units at the southern entrance to the site in December (LPA Ref: R20/1026). Permission was granted in May 2021 and the development is largely complete.
- Tritax has since submitted several reserved matters applications for the remainder of the employment site which have all now been approved.
- An outline application for 210 homes and a new primary school was submitted by L&Q Estates and validated in March 2019 (LPA Ref: R18/0936). The application was approved in December 2022.
- An outline application for 275 homes was submitted by Tritax Symmetry and validated in May 2019 (Ref: R18/0995). The application is expected to be considered by planning committee in spring 2024.
- An outline application for 350 homes was submitted by Tritax Symmetry in August 2022 (LPA Ref: R22/0853). The application is currently being considered by the Council.





- A detailed planning application for the Homestead Link Road was submitted by Homes England in September 2022 (LPA Ref: R22/0928). The application has been considered by Rugby Borough Council and Warwickshire County Council and is expected to be determined at planning committee in March 2024.

In addition to the above, planning applications are currently being prepared for the remainder of the allocated site which are expected to be submitted during 2024. This will include applications for the remainder of the housing, schools, local centre, and open space provision.

From the above it is clear that the SW Rugby allocation is progressing with 100% of the employment area benefiting from planning permission and being developed, and 37% of the 5,000 homes either benefiting from planning permission, a live application or currently being developed.

The Council's inclusion of the SW Rugby allocation as a key component of its future housing supply is therefore justified and fully supported by Homes England and the consortium of developers / landowners at SW Rugby.

Potential locations for new housing

The consultation also seeks views on potential locations for new housing. Land is currently safeguarded at SW Rugby for future development, but its end use has not yet been defined by the Council, so could potentially come forward for either housing or employment use in the emerging Local Plan.

If allocated, the safeguarded land will benefit from new infrastructure that is being paid for and provided by the SW Rugby allocation. If the Council elects to allocate the safeguarded land for future development, then there needs to be an appropriate mechanism for any future development to contribute / share the cost on a proportionate basis towards the infrastructure provision.

Type and size of new homes

The consultation outlines the HEDNA's proposed mix of new open market and affordable housing in the table at paragraph 9.29.

Paragraph 9.31 recognises that it will not be realistic to seek exactly this mix from every new development.

The HEDNA's proposed mix doesn't appear to align with the Rugby Borough Council Housing Strategy 2022-2024 housing mix being:





Table 4 Affordable homes by size and type

	One-bed (%)	Two-bed (%)	Three-bed (%)	Four-bed (%)
Market	5	25	45	25
Affordable home ownership	15	40	35	10
Affordable housing (rented)	30	35	25	10

Even so, we suggest that any policies for housing mix to be included in the Local Plan will need to be flexible to allow an alternative housing mix and affordable housing tenures to be provided to ensure housebuilders and Registered Provider take up and delivery if supported by up-to-date market evidence.

Land for employment uses

The consultation sets out the future employment land supply needs of the Borough and seeks views on potential locations for new employment land. The document identifies several potential strategic employment locations including the safeguarded land within the SW Rugby allocation.

If allocated, the safeguarded land will benefit from new infrastructure that is being paid for and provided by the SW Rugby allocation. If the Council elects to allocate the safeguarded land for future development (whether that be new housing or employment land), then there needs to be an appropriate mechanism for any future development to contribute / share the cost on a proportionate basis towards the infrastructure provision.

Other matters

In terms of the broader policy considerations, we note that the Council wishes to submit the Local Plan by June 2025 as per the transition deadline for the new LURB-based Local Plan making.

Given that the emerging Local Plan will have increasing weight over the next 12-18 months, the emerging policies will be of relevance to the planning applications being progressed at SW Rugby.

Green Infrastructure / BNG

The Local Plan does not propose a BNG policy, referring instead to the Environment Act requirement for 10% but goes on to ask whether:

- The Council should prioritise 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 creation of additional country parks as part of delivering biodiversity net gain would be supported; and
- Whether the Council should require developers to prioritise the delivery of biodiversity gain within proximity to the development.

In England, BNG is becoming mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). As part of this, developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development.

There are 3 ways a developer can achieve 10% BNG:

1. They can enhance and restore biodiversity on-site (within the red line boundary of a development site).
2. If developers can only achieve part of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market.
3. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This must be a last resort. The government will use the revenue to invest in habitat creation in England.

Developers can combine all 3 options but must follow the steps in order. This order of steps is called the biodiversity gain hierarchy.

Paragraph 179 of the National Planning Policy Framework states, to protect and enhance biodiversity and geodiversity, plans should among other things identify and pursue opportunities for securing measurable net gains for biodiversity. Planning authorities and neighbourhood planning bodies when preparing new policies in line with paragraph 179 will need to take account of the statutory framework for biodiversity net gain.

Plan-makers should highlight the statutory framework for biodiversity net gain, but they do not need to include policies which duplicate the detailed provisions of this statutory framework. It will also generally be inappropriate for plans or supplementary planning documents to include policies or guidance which are inconsistent with this framework, for instance by applying biodiversity net gain to exempt categories of development or encouraging the use of a different biodiversity metric or biodiversity gain hierarchy.

Although the NPPF notes that plan-makers may seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development, such policies will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented.

Therefore, any policies relating to BNG will need to refer to and be consistent with the Environment Act and the Council will need to be mindful of the viability impacts of making the BNG requirement more onerous.





Any policies will need to be as flexible as possible as to the solutions for achieving 10% BNG and not be too prescriptive of where and how any off site BNG is to be provided.

Further, it is important to note the guidance states that the 10% BNG must be delivered by the end of the development outlined in a planning permission, and not via each phase of a permission. Therefore, any policy wording included within the Local Plan will need to make it clear that a 10% BNG is required overall and not on each phase of a phased permission.

Energy Standards

The Local Plan Issues and Options notes the introduction of Part F/L and FHS from 2025. It then asks whether:

- Consultees agree with the Council's consideration that all new residential developments should be net zero; and
- Whether all new non-residential developments should be net zero.

The Local Plan should refer to and be consistent with the updated Building Regulations and Future Homes Standards.

The introduction of FHS will effectively make homes "net zero ready", rather than net zero.

Even with FHS technology, there will still be a residual need to draw electricity from the national grid and - until that is decarbonised – no developer will be able to claim or achieve "net zero".

For that reason, the consortium at SW Rugby is concerned with Councils seeking "net zero" whilst the grid continues to rely on fossil fuels.

The delivery of higher local standards will inevitably engage development viability with costs of FHS still uncertain at this stage.

For this reason, Local Plan policy should:

- a. Seek consistency with national building regulations and standards and refer to new homes being "net zero ready"; and
- b. In all respects seek to be as flexible as possible to support development viability and delivery.

Should you wish to discuss the content of this letter further please do not hesitate to contact Ben Frodsham, Head of Planning & Enabling - Central at Homes England at Ben.Frodsham@homesengland.gov.uk.

Yours sincerely

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