



Our Ref: P2063/SH/hr
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Issues and Options Consultation
 Development Strategy
 Rugby Borough Council
 Town Hall
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 CV21 2RR

Grosvenor House
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BY EMAIL ONLY: localplan@rugby.gov.uk

Dear Sir / Madam

**Local Plan Review Issues and Options Consultation
 Representations on Behalf of Vistry Group**

Harris Lamb Planning Consultancy (“**HLPC**”) are instructed by Vistry Group to submit representations to the Rugby Local Plan Issues and Options Consultation and make a Call for Sites submission in respect of their land interest at Wolvey. 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 attached at Appendix 1.

As Officers will be aware, an updated version of the National Planning Policy Framework (“**the Framework**”) was published on 19th December 2023. The updated version of the Framework was produced following the preparation of the Issues and Options consultation version of the draft Plan. As a consequence the Issues and Options consultation Document draws upon the policies and guidance in the previous version of the Framework (September 2023).

Annex 1 – Implementation, provides guidance on the application of the policies in the Framework as part of the plan making process. The policies in the Framework published on 19th December 2023 will apply for the purposes of examining plans where those plans reached Regulation 19 (Pre-Submission) stage after 19th March 2024. Plans that have reached pre-submission consultation on or before that date will be examined under the policies of the previous version of the Framework.

The emerging Rugby Plan is at Issues and Options consultation stage. It will not be at Pre Submission stage by 19th March 2024. As a consequence, the policies in the most recent version of the Framework apply. Our comments to the draft Plan are, therefore based on the policies in the December 2023 version of the Framework.

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As Officers will be aware, there will be further consequences for the Plan making process if the Plan is not submitted for examination by 30th June 2025. We are working on the assumption that the Council will have submitted the Plan by this point, and the Plan will be examined under the current system.

Our representations are set out below. We respond to the questions raised in the consultation document as appropriate. In addition, we have general comments to make on matters raised by the draft Plan that are not directly relevant to any questions.

Why are We Updating the Local Plan?

We support the recognition in the “Why are we updating our Local Plan” section to the of the Plan that a full replacement Local Plan is required rather than partial update of the Rugby Local Plan 2011 - 2031. It is noted that one of the reasons for the preparation of the new Local Plan is due to new evidence on the need for additional homes and employment land identified by the Coventry and Warwickshire Housing and Economic Development Needs Assessment 2022. Given the quantum of development required a full Local Plan is required to meet this need and ensure that new development is directed to the most suitable and deliverable locations.

We also support the recognition that a new Local Plan is required in order to help address the climate change emergency declared by the Council. The Local Plan and the developments it will ultimately facilitate can play a key role in addressing climate change. By way of an example, new residential developments can be allocated that including measures delivering for biodiversity net gain enhancing the ecological credentials of development sites. If a site can deliver substantial biodiversity net gain and green infrastructure it should be favoured in the site selection process. This does, however, have implications for land take as it will change the gross to net developable areas of certain sites in order to achieve on site biodiversity net gain in accordance with the mitigation hierarchy.

In addition, new homes and buildings are often substantially more energy efficient than older stock. This is better for the environment and also reduces the energy costs of the residents. This further supports climate change objectives.

Vision and Objectives

It is appreciated that the emerging Plan is within the early stages of the plan making process. However, it is our view a Vision should be added to the Plan in order to set the context for the Plan’s policies and objectives.

The PAS Good Plan Making Guide, advises at paragraph 1.1 that “*the local plan must contain a Vision that should be aspirational but realistic*”. The Vision should set out the intended character of the plan area, based on current trends and trajectory of key data such as that related to population and economy. Objectives should flow from the Vision, establishing the way in which the plan area will deal with the identified critical issues. Together these should be clear, realistic, locally distinctive and spatial in planning terms.

Indeed, this is recognised by the Sustainability Appraisal that advises at paragraph 2.1 that “*The new local plan will set out the Vision, objectives, planning policies and site allocations that will guide development up to 2041*”.

The Rugby Borough Local Plan Sustainability Appraisal Scoping Report (SA) of October 2023 provides helpful guidance on the preparation of a Vision for the Plan. Part 5 – Identifying Sustainability Issues and Problems, identifies a series of key issues that should help inform the Vision. They include:

- Mitigating and adapting to climate change
- Using resources sustainably
- Regenerating the local economy and improving local employment and skills opportunities
- Improving accessibility and reducing car usage
- Improving health and wellbeing
- Meeting housing needs
- Providing infrastructure and services
- Improving leisure and cultural facilities
- Creating a local sub-regional green infrastructure network
- Protecting and improving the natural environment
- Maintaining and improving the quality of the built environment
- Preserving and enhancing the historic environment
- dealing with the consequences of an ageing population

A number of these matters are interlinked. As part of the meeting housing needs issue, it is advisable that the Plan must meet the requirements of the Borough's ageing population and ensure the increasing numbers of households are accommodated. This is clearly a matter for the Plan to address given that there is a separate "issue" focused on ensuring that appropriate sufficient housing care facilities for older people are provided alongside supporting infrastructure.

The Plan should not only seek to provide appropriate accommodation for elderly people, but also need to consider the consequences of the Borough's ageing population on other issues the local authority is facing. For example, an ageing population can also have direct impacts on the size of the local workforce, meaning that if the local economy is to continue to be successful or even maintain its current position, additional people of working age are required in the local area to support businesses and industry. This will in turn generate a requirement for additional houses.

There is also specific recognition in the SA in the meeting housing needs section that it must be ensured that sufficient affordable housing is provided to meet local needs and that there is an existing aged housing stock that is in requirement of refurbishment or redevelopment to meet modern housing standards.

Drawing this together, it is our view that the plan Vision should be clear that the emerging Plan is being prepared in order to meet the housing needs of all groups and to provide direct support for the local economy by ensuring not only that sufficient employment allocations are made to support the growth of the plan area, but also an appropriate level of housing is provided to maintain and grow the size of the local workforce.

The Vision should also directly encourage high quality, sustainable development that provides green infrastructure and ecological benefits supporting and addressing the climate change emergency.

Land for Employment Uses

Q6. Are There Exceptional Circumstances that Mean that We Should Amend Green Belt Boundaries to Meet the Need for Employment Land?

Yes, exceptional circumstances do exist. The approach to removing land from the Green Belt to meet development requirements for employment land has direct implications for the way in which the local authority should consider removing land from the Green Belt to accommodate all forms of development, including residential.

Table 3.37 of the Local Plan suggests that it is necessary for the Council to find a further 40.29 hectares of employment land for the period up to 2050. This however excludes the Coventry and Warwickshire strategic warehousing need and Rugby Borough's needs for land for offices meaning that this figure should be treated as a minimum. The Plan advises at paragraph 3.32 that Rugby Borough will need to contribute to meeting some of the identified need for strategic warehousing land in Coventry and Warwickshire.

Paragraph 11.b of the Framework advises that strategic policies should, as a minimum, provide for objectively assessed need for housing and other uses as well as needs that cannot be met with neighbouring authority 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 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 Rugby in considering how it should meet its employment requirements and has direct implications for the consideration of development generally.

Not all of Rugby Borough is within the Green Belt. However, the emerging Plan advises at paragraph 3.38 to 3.42 that large scale and manufacturing and distribution uses need to have good access to A roads and the motorway. HGV routing through residential areas should be avoided and large scale employment allocations should be close to existing settlement to allow staff access to work and remote rural locations should be avoided. Applying this approach 8 potential broad strategic employment locations are identified.

The majority of the broad locations are within the Green Belt. The guidance in footnote 7 of the Framework confirms it is not necessary for local authorities to remove land from the Green Belt to support development requirements. However, 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, would automatically be expected to deliver the outstanding development requirements. 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 these identified needs.

It is our view that this would be entirely inappropriate and creates a position whereby exceptional circumstances exist to ensure that development is direct to the most suitable and sustainable locations.

Climate Change Policies

Q21 – Should we Adopt a Minimum Tree Canopy Policy for New Development?

We have no particular concerns with the Council introducing a minimum tree canopy policy for new developments. Paragraph 7.24 of the draft Plan advises that just 4.5% of Rugby Borough is woodland, placing Rugby in the bottom 20% of English Local Authorities for Woodland Cover. We would, therefore, consider it entirely appropriate to support schemes with increased woodland coverage generally.

If this approach is adopted the ability of a site to accommodate additional tree planting should be a consideration in the site selection process, with sites that are able to accommodate high levels of tree planting preferred. Vistry's land interest at Wolvey provides the opportunity to

deliver significant ecological enhancements and include tree cover as detailed in our Call for Sites submission.

Q22 – Should We Identify Priority Locations Who Allocate Sites for Biodiversity Net Gain for Sites Which are Unable to Provide All of The Net Gain on Site and, If So, Where?

Q24 – Should We Require Developers to Prioritise The Delivery of Biodiversity Net Gain In Close Proximity to Development?

On 29th November 2023 the Draft Biodiversity Net Gain Planning Practice Guidance was produced. It advises at paragraph 004 (ref ID74-004-2003) that the Biodiversity Gain Hierarchy, which planning authorities must take into account when determining their Biodiversity Gain Plan, emphasises that on site biodiversity gains should be considered first followed by registered offsite biodiversity gains and, as a last resort, biodiversity credits.

Whilst it is draft guidance, the emerging PPG includes a sequential preference for onsite biodiversity net gain enhancements. This should, therefore, be a matter for consideration by the local authority in the identification of development sites as part of the plan making process. Allocations that can provide 10% or more biodiversity net gain should be prioritised.

Q25 – We are Considering All New Residential Developments To Be Net Zero. Do You Agree?

The PPG provides guidance on Viability as part of the plan making process. It is advised that the role for Viability Assessments is primarily at the plan making stage. Viability Assessments should not comprise the delivery of sustainable development but should be used to ensure that policies are realistic and the total cumulative cost of all relevant policies will not undermine the deliverability of the Plan. It is the responsibility of the plan makers, in collaboration with the local community, developers and other stakeholders, to create realistic deliverable policies (ref ID10-002-2019-0509).

The draft Plan recognises at paragraphs 7.36 and 7.37 the significant additional cost associated with residential development through the introduction of net zero policies. Until the Viability implications of including a net zero policy in the Plan are understood, it is not possible to comment on this matter further.

Design Codes

Q29 – Should We Produce Design Codes As Part of Our New Local Plan?

Q30 – Which Areas Should Design Codes Cover?

The Levelling Up and Regeneration Bill will require every local authority to produce design codes for its areas. The Council will have to produce design codes in due course.

The characteristics of the Borough vary significantly. The characteristics of Rugby Town are notably different to the larger villages, which are in turn different to the character of the rural areas. It is, therefore, our view that any design code must be flexible enough to reflect the different nature of different localities. Overly prescriptive design codes could result in all developments within the Borough appearing identical and potentially not reflecting the character and nature of the area within which it sits.

Land For House Building

Q31 – How Many Homes Will You Be Planning For?

- a) Minimum local housing need
- b) The HEDNA 2022 need
- c) Other (please specify)

Following the publication of the Issues and Options Consultation Plan the Framework was updated. Paragraph 61 of the Framework advises that in order to determine the minimum number of homes needed, strategic policies should be informed by a Local Housing Needs Assessment, conducted using the Standard Method in National Planning Practice Guidance. The outcome of the Standard Method is an advisory starting point for establishing a housing requirement for the area. There may be exceptional circumstances including relating to a particular demographic character of an area which would justify an alternative approach to assessing housing need, in which case the alternative approach should also reflect current and future demographic trends and market signals. In addition to the local housing needs figure, any need that cannot be met within neighbouring areas should also be taken into account establishing the amount of homes to be planned for.

Paragraph 67 advises that strategic policy making authorities should establish a housing requirement figure for their whole area, which shows the extent to which the identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. This requirement may be higher than the identified housing need if, for example, it includes provision for the neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment.

In the case of Rugby Borough, the Council are progressing an “exceptional circumstances” case to depart from the Standard Method housing figure. The draft Plan takes the Rugby housing needs figure from the Coventry and Warwickshire Housing and Economic Development Needs Assessment 2022 (“**HEDNA**”). The HEDNA housing requirement figure for Rugby Borough is 735 homes per annum using 2021 affordability data.

We have a number of concerns with the housing requirement included within the HEDNA.

1) Meeting affordable housing needs

Table 15.4 – Annual Need for Social/Affordable Rented Housing, of the HEDNA advises that in Rugby there is a net need for 407 additional social/affordable rented houses per annum. This is the equivalent of 55% of the total affordable housing requirement.

It is highly likely that the majority of affordable housing delivery will come via planning obligations. Whilst viability work is yet to be completed it is unrealistic to expect 55% of the properties on qualifying sites to be affordable. The housing requirement should be increased to boost affordable housing delivery.

2) Meeting specialist housing needs

The HEDNA Concludes that the Councils should consider requiring all dwellings of all tenures to meet the M4(2) standards and 10%+ of homes to meet the M4(3) – wheelchair use dwellings standards. Whilst we have no objection to this approach in principle it needs to be Viability tested. If it transpires that the delivery of higher standard housing is not viable when coupled with other planning obligations this suggests that the housing requirement should be uplifted so a reduced proportion of the housing target can be built to these standards, but the total

number of properties delivered to these standards remains the same, meeting the overall need.

3) Additional pressure from in migration

Paragraph 4.55 of the HEDNA advises that there has been high demand from first time buyers and investors in Rugby. In terms on immigration into the area 80% are moving locally compared to the other 20% coming from London. A significant number of people from London and elsewhere seek to relocate to Rugby due to its good rail connections.

Paragraph 9.16 of the Plan advises that 59% of Rugby's significant population growth during the last 20 years was due to people moving into the area. If this trend continues, this will significantly increase the demand for housing in the area. It is necessary to understand why Rugby has seen such significant levels of in migration in order to understand if this trend is likely to continue. Unless there is specific evidence to suggest that there will be reduced migration into Rugby during the course of the plan area the housing requirement in the Plan should be based upon the assumption that there will be significant migration into Rugby.

4) Meeting the unmet needs of Coventry

The revised version of the Framework also requires local authorities to consider assisting and meeting the unmet needs of other local authorities within the plan area. The HEDNA which shows a significant reduction to the housing needs figure for Coventry when compared to the Standard Method figure. This position is yet to be tested. However, it could ultimately transpire that Rugby Borough has to accommodate a relatively significant amount of growth to support the housing requirements of Coventry.

5) Planning for an aging population

Rugby Borough has an ageing population. The Borough has seen high levels of population growth amongst those aged 75 to 79 between 2011 and 2021 (up 47% compared to an increase of 22% nationally) and those aged 55 to 59 (up to 37% compared to an increase of 27% nationally). This ageing population has direct implications for the workforce in Rugby. It could result in a "hollowing out" of the working population. Whilst the population of the area may be increasing this does not necessarily mean that there will be an increase number of people of working age.

In addition, it will have structural implications for the type of jobs available. An ageing workforce may be less suited to manual jobs.

Drawing this together, we have significant concerns that the Plan underestimates the housing needs of the District.

Q33 – Please Provide Any Comments You Have on The Suitability of Any Other Broad Locations Listed Above For New Housing. Are There Any Locations We Have Missed?

We support the broad locations for new housing identified on page 52 of the Plan. This includes Wolvey, which is a suitable and sustainable location for additional development. Three housing allocations were direct to the Wolvey area in the adopted version of the Local Plan, delivering over 100 new homes in the village. The emerging Plan should look to further support development in and around Wolvey.

Rugby Borough is a part Green Belt, part non-Green Belt authority. The western most part of the Borough, that separates Coventry from Rugby is predominantly within the Green Belt, with the land to the south and north east of Rugby outside of the Green Belt.

The potential housing locations identified by the Plan on page 52 identify a series of development locations that are located within the Green Belt. Indeed, the vast majority of the larger settlement growth locations identified by the Plan are in the Green Belt, with the only non-Green Belt development options principally being the expansion of Rugby Town and Clifton-upon-Dunsmore.

The revised version of the Framework advises at paragraph 145 that once established there is no requirement for Green Belt boundaries to be revised or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should only be made through the plan making process.

There are non-Green Belt development locations available within Rugby Borough to meet the housing and employment land requirements. However, a significant proportion of the potential housing locations identified by the draft Plan are within the Green Belt. This is because they are the most sustainable, suitable and deliverable locations for housing development. If the Plan were to pursue a strategy that did not involve a Green Belt review it would inevitably result in significant amounts of housing being directed to less sustainable parts of the plan area that are not within the Green Belt. This is inappropriate. There is clearly an exceptional circumstances case for a Green Belt review in this instance in order to ensure a sustainable pattern for development.

We trust that you have found these representations useful. If you have any queries, or would like to discuss this matter further, please do not hesitate to contact me.

Yours faithfully

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