

RUGBY LOCAL PLAN: ISSUES AND OPTIONS (REG 18) CONSULTATION

Representations on behalf of St Modwen Homes

JBB8419.C8473
17 January 2024

REPORT

Document status

| Version | Purpose of document | Authored by | Reviewed by | Approved by | Review date |
|---------|---------------------|-------------|-------------|-------------|-------------|
| Final | Representaitons | DRO | PH | PH | 2.2.2024 |

Approval for issue

PH

[PH]

2 February 2024

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1 INTRODUCTION

- 1.1 These representations have been prepared on behalf of St Modwen Homes (St Modwen) in response to the Rugby Local Plan Issues and Options consultation (RLPIO) published by Rugby Borough Council (the Council).
- 1.2 The Council took the decision in October 2023 to progress the Local Plan update under current plan-making system and, as a result, intend to submit their new Local Plan June 2025¹. Any references of relevance to national planning policy in these representations therefore refer to the relevant National Planning Policy Framework² in place on the date the RLPIO was formally published for consultation.
- 1.3 The representations have been structured under the following headings:
- Responses to a number of relevant questions under the various topic areas in the RLPIO
 - Response to the SA Scoping Report
 - Summary and Conclusions
- 1.4 RPS and St Modwen would welcome the opportunity to engage with Rugby Borough Council (the Council') on the emerging Local Plan review as it moves forward.

¹ Agenda No 6 Cabinet – 23 October 2023 Local Plan Issues and Options Consultation Public Report of the Chief Officer – Growth and Infrastructure

² NPPF 19th December 2023

2 RESPONSES TO ISSUES AND OPTIONS DOCUMENT

2.1 The RLPIO addresses a number of topic areas and poses a range of questions to which responses are being sought. RPS has structured this submission largely following the questions in the order they are presented and cover the main topics of relevance. The responses are set out in the following sections in response to the various questions under each topic area.

New Plan Period

2.2 There is an expectation in national policy that plans will cover at least a 15-year period from the date of adoption. In addition, national policy also supports the ability for plans to look further forward (at least 30 years) where larger scale developments such as new settlements form part of the strategy for the area³.

2.3 The RLPIO makes reference at various points to the potential for the new plan period to extend forward to 2041 or 2050. Nonetheless, the RLPIO does not specifically ask which plan period option the Council should opt for.

2.4 In this context, RPS supports the option that would roll forward the new Local Plan to 2050. This recognises the potential opportunity to plan for development needs of the Borough over the longer-term, including housing and employment provision, which clearly aligns with paragraph 22 of the December 2023 NPPF..

³ NPPF 2021, para 22

3 LAND FOR EMPLOYMENT USES

1. How much employment land should we be planning for?
2. What type of employment land should we be planning for?

3.1.1 At paragraph 3.3 of the RLPIO, the Council provides a summary of the projected need for employment land in Rugby Borough; this is presented in relation to two plan period options; 2021-2041, and 2021-2050, and by type of employment land required. This is drawn from evidence set out in the Coventry and Warwickshire Housing and Economic Needs Assessment (HEDNA) 2022, prepared by Icen. The table summarising the need is presented below.

3.1.2 In summary, depending on which plan period is used, the Council is suggesting that Rugby Borough has to plan for between 150.5 and 218.2 hectares of industrial land, and between 5.2 and 6.5 hectares of office land to meet its own needs only. This would comprise industrial land and land for smaller warehouses up to 9,000m². As explained at paragraph 3.32 of the RLPIO, this is a higher level of need (or demand) compared to that which is planned for in the adopted Local Plan which set a target of 102 ha of employment land (Borough-only), equating to around a 50% increase in demand up to 2041 at least.

| Type of employment land | Land needed 2021-2041 (in hectares) | Land needed 2021-2050 (in hectares) |
|--|-------------------------------------|-------------------------------------|
| Gross requirement for strategic warehousing land across Coventry and Warwickshire (this means land for warehouses of over 9,000m ² in floor area) | 551ha | 735ha |
| Net need for office land (Rugby Borough only) | 5.2ha (4.2ha with hybrid working) | 6.5ha |
| Gross requirement for industrial land (Rugby Borough only) (this includes smaller warehouses of up to 9,000m ² in floor area) | 150.5ha | 218.2ha |

3.1.3 Paragraphs 3.14 to 3.21 of the RLPIO explain why the demand for industrial land and warehousing floorspace has increased; largely the result of Rugby's strategic location within the 'Golden Triangle' in the Midlands where 35% of all UK warehouse floorspace is found. In addition, Rugby is ranked as the local authority district in England and Wales with the highest proportion of business units used for transport and storage (17.5%, 2021), alongside other reasons highlighted in this section of the RLPIO. RPS welcomes the Council's acknowledgement that the future need for employment land, notably industrial land, has increased in the Borough since the Local Plan was adopted.

3.1.4 In addition, paragraphs 3.24 to 3.29 acknowledges that the need for strategic warehousing (sites over 9,000m²) will also need to be addressed at a sub-regional level across Warwickshire and Coventry. As explained at paragraph 3.27 of the RLPIO, the evidence base dealing with strategic warehousing need (West Midlands Strategic Employment Sites Study) is yet to be completed. RPS welcomes the Council's acknowledgment (at paragraph 3.29) that once this evidence is completed the Coventry and Warwickshire authorities will need to agree how that strategic employment need is to be split between the different local authority areas. Evidently this is likely to see the land needed for industrial employment purposes increased beyond the 150.5 / 218.2 hectares of local

need. To ensure parity is created with providing land for homes and in the interests of ensuring unsustainable levels and patterns of in-commuting are not created it is important that the levels of future employment growth are linked to the levels of future house building growth. This is a matter that the Council should address when establishing its preferred housing requirement figure as part of the next stage of the plan.

3.1.5 Consequently, it is critical that the Council plans effectively for the employment needs of the Borough as well as the wider Functional Economic Market Area (FEMA), in accordance with national policy and the need to plan for the specific locational requirements of different sectors (NPPF, para 83).

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

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?

3.1.6 The table at paragraph 3.37 of the RLPIO estimates that up to 40.29 ha of additional employment land (beyond existing supply) is needed up to 2050. As indicated above this figure is set to increase subject to the findings of the West Midlands Strategic Sites Study, as shown below.

| | Plan period 2021-2041 | Plan period 2021-2050 |
|---|-----------------------------|--------------------------|
| Requirement for industrial land (excluding strategic warehousing and offices) | 150.5ha | 218.2ha |
| Completions 2021-2023 | 32.65ha | 32.65ha |
| Total supply already identified | 145.26ha | 145.26ha |
| Supply still needing to be found | No additional supply needed | 40.29ha |

3.1.7 The Council has identified eight 'potential strategic employment locations' where employment need could be met. These are illustrated on page 17 of the RLPIO and is presented below.



3.1.8 It can be seen that these locations are directed largely to the edge of Coventry and Rugby town effectively located at or around existing employment sites. This approach would direct employment to the west, east and north of the Borough, with no growth directed to the southern part of the Borough. There are clearly other options available that the Council should be considering where some employment land could be allocated to meet future needs. This is particularly the case in the south of the Borough on land that is well connected between existing strategic employment hubs at Daventry and Rugby Towns along the A45.

3.1.9 In this context, RPS supports the Council's view that it is minded to make specific site allocations for industrial (B2) and light industrial uses. Nonetheless, there is clearly demand for other types of employment space (warehousing) including B1 (offices), and B8 use class which should also be addressed through the Local Plan review process.

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

3.1.10 Paragraph 3.42 of the RLPIO accepts that most of the potential strategic employment locations (it is not clear exactly from the mapping) are located in the Rugby Green Belt. The Council will need to establish whether exceptional circumstances exist to justify the release of Green Belt, in accordance with national policy.

3.1.11 In the context of exceptional circumstances, paragraph 146 of the NPPF 2023 makes clear that:

“ Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.”

3.1.12 In this context, it is important that all reasonable options are assessed in non Green Belt locations to promote sustainable patterns of development without needing to alter the Green Belt boundary in the Borough.

4 LAND FOR HOUSEBUILDING

31. How many homes should we be planning for?

(a) Minimum local housing need

(b) The HEDNA 2022 need

(c) Other (please specify)

Housing Growth Options

- 4.1.1 The RLPIO identifies two housing growth options; 506 dpa based on the local housing need under the standard method, and 735 dpa based on the Coventry and Warwickshire Housing and Economic Needs Assessment (HEDNA) 2022 prepared by Icen. RPS notes that reference is also made to a 'recalculated' figure of 672 dpa, based on recent affordability data, but this is not referenced in the question. The RLPIO does not clarify explicitly which of these figures represents its preferred option at this stage, given the Council has invited respondents to submit their own alternative growth figures as part of this consultation.
- 4.1.2 The RLPIO appears to lean towards the higher, HEDNA-based figure in preference to the standard method. RPS supports the principle of planning for a higher level of growth based on the options presented in the RLPIO.
- 4.1.3 The table at paragraph 9.11 of the RLPIO summarises the projected need for housing across the authorities that comprise the wider Coventry and Warwickshire Housing Market Area (HMA). A comparison of the HEDNA and standard method figures shows that the scale of growth under the HEDNA (4,906 dpa) would be lower than the standard method-derived growth across the HMA (5,602 dpa). Over a 20-year period, the difference equates to 13,920 dwellings⁴, representing a significantly lower growth projection compared to the nationally-derived figure.
- 4.1.4 Paragraph 9.10 of the RLPIO asserts that a different population and household projection was produced for the HEDNA (compared to the outputs under the standard method) because of Icen's stated concerns about the inaccuracy of the 2014-based population and household projections, which are used in the government's standard method. The RLPIO claims the 2014 household projections significantly overestimate Coventry's population in 2021, compared to what the 2021 Census shows. The RLPIO also claims the overestimation of Coventry's population is a longstanding issue, which the Office for National Statistics has acknowledged.
- 4.1.5 On 23 November 2023, Office for National Statistics (ONS) published the latest round of mid-year population estimates (MYEs) at the local authority level for mid-2022⁵. The newly-published data

⁴ 5,602-4,906, 696 x 20

⁵

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/populationestimatesforenglandandwales/mid2022>

also rebases the previous estimates (mid-2012 to mid-2021) to align the population with the Census 2021 count. In effect, ONS accepts the count of usual residents in 2021 for Coventry and the other Warwickshire authorities and has revisited and amended its estimates in earlier years accordingly. The Government will produce its up-dated Standard Method figures in 2024 and at that point the Coventry and Warwickshire HEDNA will be out of date and any minimum figures for Coventry will need to be based on the Standard Method.

4.1.6 RPS would support, in principle, a housing requirement that is higher than the minimum figure in the Standard Method for Rugby, which accords with national policy and the need to boost significantly the supply of housing. However, it remains unclear what the exceptional circumstances are that would justify a departure from the Standard Method as a basis for assessing housing need in Rugby. This needs to be clarified as the new Local Plan moves forward, in accordance with national policy and in order for the new Local Plan to be soundly-based.

Factors pointing to alternative housing growth options to be planned for in Rugby

4.1.7 Nonetheless, RPS contends there are key reasons why the Council should consider alternative housing growth options that should be planned for in Rugby.

Addressing unmet need from the wider HMA

4.1.8 Firstly, the RLPIO says nothing regarding the issue of unmet housing need elsewhere in the Coventry & Warwickshire HMA that is likely to continue through the next round of plan-making in Coventry and Warwickshire, notably in Coventry.

4.1.9 Coventry City Council is currently progressing a review of Coventry Local Plan (CLP) and is at a similar stage to the Rugby Local Plan, having consulted on its Issues and Options document in July 2023. The CLP identified three growth options and sought view on which one should be taken forward to the next stage. As explained below, all the options would result in an unmet need for housing up to 2041 (the emerging plan period). This potentially covers the same plan period to the RLPIO.

4.1.10 Summarised below (Table 1) are the three options and the latest housing land supply to meet Coventry’s housing need.

Table 1 Growth options and land supply – Coventry (10 July 2023)

| | Standard Method-based need | CW HEDNA (using 2021 census data) | HEDNA (excluding 35% uplift) |
|---|----------------------------|-----------------------------------|------------------------------|
| Dwellings per annum (averaged over the 20 year plan period) | 3,188 | 1,964 | 1,455 |
| Total need over the 20 year plan period 2021 - 2041 | 63,760 | 39,280 | 29,100 |
| Projected Supply* | 25,188 | 25,188 | 25,188 |
| Total emerging shortfall in Coventry | 38,572 | 14,092 | 3,912 |

Source: CLP, IO July 2023, Table 6; *CLP IO Housing Topic Paper 2023

- 4.1.11 Depending on the option, the emerging unmet need in Coventry ranges from 3,912 to 38,572 dwellings (subject to confirmation in an updated statement of common ground). Whatever figure or approach is used, its clear an unmet needs exists and the Rugby Local Plan cannot close its eyes to this eventuality. RPS would suggest that if effective and constructive engagement between Coventry and Rugby was occurring then the Council would have been aware of this as each Plan was in preparation along broadly the same time line. However, no mention is made to this issue in the RLPIO, which is clearly an issue that affects more than one area and so would continue to fall under the definition of a cross-boundary strategic matter. The failure to consider the emerging unmet need from Coventry raises serious soundness concerns with the overall approach to addressing housing growth as part the emerging strategy in Rugby.
- 4.1.12 As a guide, RPS has followed a similar proportional distribution of the unmet need similar to the approach taken in the previous round of plan-making across Coventry and Warwickshire and which resulted in the Memorandum of Understanding being adopted by all authorities as recently as 2015. The current proportions used for redistribution of Coventry’s established unmet need across the other CC&W authorities, including Rugby, is summarised below (Table 2).

Table 2 Summary of redistribution of unmet housing need from Coventry – 2015 MoU

| | | Redistribution* | % |
|------------------------------|---------------|-----------------|-------|
| Coventry OAN | 42,400 | | |
| Coventry housing requirement | 24,600 | | |
| Coventry unmet need | 17,800 | | |
| North Warwickshire | | 860 | 4.8% |
| Nuneaton and Bedworth | | 5,480 | 30.8% |
| Rugby | | 2,800 | 15.7% |
| Stratford-on-Avon | | 2,020 | 11.3% |
| Warwick | | 6,640 | 37.3% |
| | | 17,800 | |

* Figures taken from Cabinet Report, Coventry City Council, 12 January 2016, Table 2 for ease of reference.

- 4.1.13 As can be seen, using the Government’s advocated approach as reflected in Standard Method this results in a shortfall of 38,572 dwellings for the period 2021-2041. This represents a significant increase from the existing unmet need from Coventry (17,800) currently agreed amongst the C&W constituent authorities. If the proportion of housing re-distribution is based on the current MoU 2015 (15.7%) this would see an additional 303 dwellings per annum (or 6.068 dwellings) for the period 2021-41 being re-directed to Rugby. As this figure is higher than the 140 dpa figure (or 2,800 dwellings over the period 2011-31) directed to Rugby under the current 2015 MoU there is no further uplift beyond the 303 dwellings per annum necessary to address the unmet need from Coventry. The calculations are summarised below (Table 3).

Table 3 Redistribution of unmet need from Coventry based on emerging evidence

| | Unmet need 2021-41 | Redistribution* | % |
|-----------------------|--------------------|-----------------|--------------|
| Coventry | 38,572 | | |
| North Warwickshire | | 1,864 | 4.8% |
| Nuneaton and Bedworth | | 11,875 | 30.8% |
| Rugby | | 6,068 | 15.7% |
| Stratford-on-Avon | | 4,377 | 11.3% |
| Warwick | | 14,389 | 37.3% |
| | | 38,572 | |

4.1.14 Based on the foregoing, RPS contends that an additional uplift of 303 dpa should be added to the housing requirement for Rugby to ensure it is soundly-based. Conversely, should the HEDNA figure for Coventry’s shortfall of 14,092 dwellings be used and taking the 15.7% MoU redistribution figure this would indicate the need for an additional 111 dpa or 2,210 over a 2041 plan period. There is no logical basis whatsoever for ignoring the 35% uplift, so this calculation has not been undertaken.

Addressing household suppression

4.1.15 Secondly, paragraphs 5.149-5.152 / Table 5.34 of the HEDNA has also considered a further adjustment to deal with suppression of household formation within the (HEDNA-based) projections, described as a ‘part return to trend remodelled’ projection. For Rugby, the remodelled projection indicates an increase of 662 households per annum. This is higher than the 604 households per annum projection used as a starting point, which underpins the 735 dpa under the HEDNA-based projection.

4.1.16 When the affordability adjustment is applied, under step 2 of the standard method consistent with the HEDNA, this would generate an annual growth rate of 808 dpa. The calculation is summarised below (Table 4).

Table 4 Standard Method Need using the ‘part return to trend’ projection - Rugby

| Rugby | Step 1- demographic starting point | Step 2 – affordability adjustment | Step 3 - cap | Step 4- urbanHousing centres uplift | Need figure (dpa) |
|-------|------------------------------------|-----------------------------------|--------------|-------------------------------------|-------------------|
| | 662 | 22% | 808 | n/a | 808 |

4.1.17 RPS contend that this is a reasonable option in the context of the HEDNA-based alternative approach. If the Council’s alternative projection approach is to be taken forward, then the Council should give proper consideration to addressing suppression in household formation and which has been captured in the HEDNA.

Addressing affordable housing need

4.1.18 Thirdly, the HEDNA has also assessed the need for affordable housing (within both rented and ownership tenures) in Rugby. Table 15.4 of the HEDNA indicates a need for 407 affordable rented homes per annum. Table 15.5 indicates a need for 88 pa affordable home ownership properties. Taken together, this shows a need for 495 affordable homes per annum in the Borough.

- 4.1.19 Paragraph 15.24 of the HEDNA concludes that affordable housing need is ‘high relative to the overall housing need’. RPS would agree with this summation. Table 8.14 of the HEDNA illustrates that were the affordable need (rented only) to be met in full, this would require the overall provision of 1,628 dpa of market and affordable homes.
- 4.1.20 It is important to note that as the emerging affordable housing threshold (up to 30%) would only secure up to 220 affordable homes per annum against the HEDNA-based alternative need of 735 dpa, and only 152 affordable homes annum under the standard method figure of 506 dpa. Whilst RPS accepts that meeting the full need for affordable homes in Rugby is unlikely to be considered acceptable as a policy option in principle, every effort should be made to plan for the needs of all households regardless of type or tenure, in line with national policy. This would result in between 30% to 44% of the 495 affordable homes needed each year in the Borough.
- 4.1.21 In this context, RPS recommends that the Council gives proper consideration to increasing the level of housing provision to support the delivery of more affordable housing in Rugby and to address this as part of the ongoing work on the Local plan review.

Additional Housing Growth Options - summary

- 4.1.22 Set out below is a summary table showing the additional housing growth options that RPS recommend the Council should consider as part of the next stage of the Local Plan review (Table 5).

Table 5 Summary of additional housing growth options - Rugby

| Dpa | Standard based (HEDNA, T5.1) | Method-HEDNA-based (T5.33) | Part return to trend-Affordable based (T5.34) | housing-led (T8.14) |
|--|------------------------------|----------------------------|---|---------------------|
| Demographic starting point (Step 1) | 414 | 604 | 662 | |
| Affordability adjustment (Step 2, 22%) | 82 | 131 | 146 | |
| Cap/urban centres-uplift (Step 3 and 4) | | - | - | 1,628 |
| Other adjustments (toc.303 address wider needs of HMA) | 303 | c.303 | c.303 | |
| Final need | 809 | 1,038 | 1,141 | 1,628 |

- 4.1.23 The various additional housing growth options set out in this submission represent a considerable increase on the housing requirement in the adopted Local Plan (620 dpa up to 2041). Nevertheless, the various options are framed by the available evidence prepared largely by the Council and provide a suitable basis for further investigation as the Local Plan review moves forward.

33. Please provide any comments you have on the suitability of any of the broad locations listed above for new housing. Are there any locations that we have missed?

- 4.1.24 The RLPIO does not propose any options for a revised development strategy and distribution of growth. Page 52 of the RLPIO provides a map showing 13 ‘Potential housing locations’ where housing growth could be directed. Paragraph 9.25 of the RLPIO states that the map shows, ‘...based

on sites that were put forward to the last plan and high-level consideration of constraints and designations, some of the broad locations in which housing could be built’.

- 4.1.25 The map is drawn in diagrammatic form, rather than being based on an ordnance survey base map, and so the boundaries of the sites are not clearly defined and no constraints are shown in any event. Nevertheless, a number of these locations would appear to be located within the adopted Green Belt, which RPS contends is a ‘high level constraint’ that would affect the assessment of suitability of any potential housing sites covered by such a designation. In this context, the Council will need to demonstrate that exceptional circumstances exist to justify releasing the site(s) from the Green Belt, in accordance with national policy⁶. Whilst RPS contend there may be a case for assessing modest Green Belt releases at poorly performing Green Belt sites around Rugby Town as the principal settlement, the Council has not presented any evidence to show exceptional circumstances exist to justify the release of any of those potential housing locations affected by Green Belt at this stage in the review process.
- 4.1.26 It will be important for the Local Plan Review process to take account of all potential broad locations including submissions made through the Call for Sites process. In this context, the Council must robustly discount all non-Green Belt options for strategic growth before considering Green Belt release to meet the development needs of the Borough.
- 4.1.27 Furthermore, as part of overall strategy for distribution of housing the Council should consider the relationship between the distribution of housing and the location of major employers in the area which new housing can help to serve; this includes the HMP Onley which is a major employer in the Borough (employing c. 480 staff). This can help achieve wider objectives including locating homes and job closer in closer proximity, thus promoting more sustainable travel patterns.

34. Do you support a requirement for all new dwellings to meet the additional Building Regulations standard for accessible and adaptable dwellings and for at least ten percent of dwellings to be suitable for wheelchair users?

- 4.1.28 Not at present, due to a lack of evidence.
- 4.1.29 Paragraph 130 of the NPPF advises that planning policies should ensure that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This might include the adoption of the Government’s optional technical standards for accessible and adaptable housing where this would meet an identified need for such properties; policies may also make use of the nationally described space standards where the need for an internal space standard can be justified.
- 4.1.30 Paragraph 9.32 of the RLPIO states that the HEDNA also recommends that we require all new dwellings in all tenures to meet optional Building Regulations M4(2) standards for accessible and adaptable dwellings, which are similar to the Lifetime Homes Standards. It also recommends that at

⁶ NPPF 2021, paragraphs 140-141

least 10% of homes meet the higher M4(3) wheelchair user dwelling standards (with a higher proportion needing to meet this standard in the affordable sector).

- 4.1.31 A review of the HEDNA indicates the recognition at various points that delivery of accessible and adaptable homes could have implications for the viability of development. For example, paragraph 14.68 of the HEDNA recognises that the trade-off identified in the consultation paper between viability and the need to deliver sufficient numbers of market homes to meet general housing needs 'is unavoidable'. In this context, it is misleading to indicate the HEDNA is recommending such provision in planning policy, suggesting instead that the Council 'could consider' such provision (as stated at paragraph 14.74 of the HEDNA) but also taking into account viability issues, which is entirely in line with national policy (NPPF 2021, paragraph 58).
- 4.1.32 Any proposed policy standard must be suitably evidenced and tested and examined during the preparation of the new Local Plan and which has been shown not to undermine the viability of development.

5 CLIMATE CHANGE POLICIES

5.1 The RLPIO includes a section on its view on how planning can contribute to the borough becoming net zero carbon by 2050. To do this, the Council indicates it needs to update the local plan to contribute to reducing carbon emissions, encouraging sustainable development and alternative energy sources, and adapting to the impact of climate change. This is in response to the Council's decision to declare a climate emergency in July 2019.

5.2 In light of this, the Council requests responses to a number of questions on climate change matters that may affect the Borough and how the new Local Plan could address them.

25. We are considering requiring all new residential developments to be net zero. Do you agree?

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

5.3 No, on both counts at present, for the following reasons.

5.4 Paragraph 152 of the National Planning Policy Framework states that the planning system should support the transition to a low carbon future in a changing climate. Paragraph 153 states that plans should take a proactive approach to mitigating and adapting to climate change. There is nothing in national policy, as it currently stands, that requires new development to achieve net zero standards. Any case for setting net zero requirements in local planning policies must be demonstrated on a district-by-district basis taking into account local circumstances.

5.5 Paragraph 7.31 and 7.32 asserts that the Government has 'made it clear' that local authorities can introduce what the Council describe as 'more stringent standards' through their local plans than those set under Part L of the Building Regulations and that they can require buildings to be net zero now. On the first point, the Government stated in July 2018, in its response to comments made regarding proposed changes to the NPPF, that:

"...local authorities are not restricted in their ability to require energy efficiency standards above Building Regulations..."⁷

5.6 However, this response was made in the context of building regulations in place at the time, which was *The Building Regulations 2010 Conversation of fuel and power: Approved Document L* (amended). The regulations referred to by Government in 2018 thus predated the current building regulations⁸, which now incorporate much more stricter standards for the energy performance of new residential (and non-residential) buildings, which represents a change in wider context since that response was made. This fact has not been acknowledged by the Council in the commentary under this section of the RLPIO.

⁷ *Government response to the draft revised National Planning Policy Framework consultation: A summary of consultation responses and the Government's view on the way forward, July 2018*

⁸ *The Building Regulations 2010 Conversation of fuel and power: Approved Document L, 2021 edition incorporating 2023 amendments – for use in England*

5.7 Furthermore, it remains the case that national policy (the most recent version published in 2021) provides no specific support for setting standards that exceed those set under Building Regulations. Paragraph 154 of the NPPF states:

“Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.” (RPS emphasis)

5.8 The national policy basis for establishing energy efficiency standards that exceed those in Building Regulations is not as definitive or certain as suggested by the Council and does not establish in principle the ability for local authorities to set local standards. As stated above, any case for net zero or other standards that exceed those in the regulations must be justified on a district-by-district basis taking into account local circumstances.

5.9 RPS also notes that no specific, up to date evidence has been published alongside the RLPIO that justifies setting local standards for the sustainability of buildings in Rugby.

5.1.1 The Council has referred to other examples elsewhere in the country where local authorities have adopted net zero policies in their development plans. The RLPIO refers to cases in Cornwall, Bath and North East Somerset (BANES), and Warwick.

5.1.2 In Cornwall, the wider context for a net zero approach is very different to that in Rugby. In particular, under the Towns Fund Cornwall was designated as the first net zero region in England, and also benefited from new investment under plans announced by the Prime Minister to create a ‘long-term green legacy’ for the region from the G7 Summit, held in Cornwall during 2021. Under the fund, Penzance received £21.5m, St Ives £19.9m and Camborne £23.7m, as a result of their applications to the Government in 2019⁹. The Government has also awarded of up to £1m of funding for businesses for the development of technologies, products and processes in energy efficiency, power generation and energy storage. Establishing the county as a pilot area for a new e-bike support scheme providing up to £150,000 to design and build a small satellite that will be used to monitor the local environment. The government also announced plans to reverse declining biodiversity in Cornwall with a "major land restoration and regeneration programme" across 21,000 hectares. The scheme involves planting trees, restoring peat, making improvements to water quality, recreating scarce habitats and reintroducing lost and declining species. The restoration of wetlands will help take 440,000 tonnes of carbon dioxide out of the atmosphere, assisting the county in efforts to become the first region of the UK to reach net zero-carbon emissions¹⁰. This clearly provides a supportive context for setting local planning policies that pursue a net zero agenda.

5.1.3 In contrast, no such designation or funding announcements of this kind have been made in Rugby. Similarly, Cornwall is, in effect, a unique case that does not set a precedent for other areas to follow.

⁹ <https://www.gov.uk/government/news/pm-announces-new-funding-for-cornwall-to-create-a-g7-legacy-for-the-region>

¹⁰ <https://www.bbc.co.uk/news/uk-england-cornwall-57406143>

- 5.1.4 Paragraph 7.33 and 7.34 claim that BANES has adopted a net zero policy Core Strategy and Placemaking Plan adopted 19 January 2023 that is similar to those adopted in Cornwall. However, RPS has reviewed this Plan and can find no reference to any policy or policies that require new development (either residential or non-residential) to achieve net zero. Nonetheless, it does make frequent references to the pursuit of a 'low-carbon' economy, which is very different to a net zero strategy. The local policies all seek the delivery of 'low carbon' development rather than net zero.
- 5.1.5 Paragraph 7.35 of the RLPIO refers to the Warwick Net Zero DPD which is at the examination stage. This DPD has yet to be fully tested and has not yet been found sound. Limited weight should be given to this plan until it is formally adopted or has passed through examination.
- 5.1.6 Further changes to Part L of the Building Regulation under the Future Homes programme are expected in the summer of 2025. This will move the construction of low-carbon and energy efficient buildings forward considerably beyond the Part L 2010 and the 2021 and 2023 amendments that were only recently brought into force. The Council will need to provide a compelling evidence base to demonstrate a local policy is justified in light of the overall direction of the building regulations governing the conservation of heat and power in new developments.
- 5.1.7 Based on the foregoing analysis, RPS contends that the evidential basis for a net zero policy requirement in Rugby has not been established and that new supporting evidence will need to be prepared by the Council and issued for public consultation as the new Local Plan moves forward. At this point, RPS would suggest that any policy dealing with local sustainability standards for new buildings (either residential or non-residential) should not 'require' net zero. Any new policy standard would also need to be viable and not undermine the delivery of development, in accordance with paragraph 58 of the NPPF.

6 RESPONSE TO THE SA SCOPING REPORT

- 6.1 The Council has issued a draft SA Scoping Report¹¹ alongside the Issues and Options document. The report has been prepared and follows the broad headings under Stage A of the SA process in the Planning Practice Guidance¹². The overall approach to the scoping of the SA is consistent with the guidance.
- 6.2 Nonetheless, RPS has carried out a review of the draft SA scoping report and can provide the following comments.
- 6.3 Firstly, Table 3 of the scoping report¹³ provides a schedule of SA objectives defined in the SA Framework. Under ‘Housing’, the baseline indicator identifies households on the housing register, affordable housing completions, and decent homes standard.
- 6.4 As this is a housing-related SA objective, RPS recommends that issues relating to the number of homes required to be delivered in Rugby and market housing completions are indicators of relevance to assessing the SA credentials of the reasonable alternatives and so should be scoped into the SA.
- 6.5 Secondly, a fundamental aspect of SA is that it follows an ‘iterative’ process, meaning that the development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings¹⁴. RPS recommends that this could comprise account being taken of evidence submitted by site promoters through formal representations and call for sites submission, including supporting technical information submitted within the promotional documentation.
- 6.6 The draft SA Scoping does not acknowledge this guidance and so the Council should respond to this as the SA moves forward.

¹¹ RUGBY BOROUGH LOCAL PLAN SUSTAINABILITY APPRAISAL – SCOPING REPORT OCTOBER 2023

¹² Sustainability appraisal process Flowchart (PPG ID: 11-013)

¹³ Table 3: SA Framework for the review of the Rugby Borough Local Plan 2021-2041 (with indicators)

¹⁴ PPG ID: 11-018 and 11-038

