

Silver Fox Development Consultancy



**Land at Cross in Hand Farm,
Lutterworth Road, Monks Kirby**

Representations on behalf of the

Landowners to

The new Rugby Local Plan – Regulation 18 Issues and Options Consultation



Date: 1st February 2024

Ref: JTE.SFDC: [REDACTED].CIH.Reg18 I&O Consultation

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Introduction

This representation sets out a response on behalf of the Landowner (██████████ a family farming business) to the Regulation 18 Issues and Options Consultation in respect of the new Rugby Local Plan

The Landowner owns Cross In Hand Farm and these representations concern the land shown edged red and blue on **Plan 1a** below ('the Site'). The small area edged blue is Cross In Hand farmhouse. The total Site extends to 35 acres/11.91 hectares, including the farmhouse. It is located between the A5 and Lutterworth Road, and within close proximity to the Cross in Hands roundabout and Magna Park.

Significant interest in the Site has been received from a number of Promoters, who consider this site, which is adjacent to Magna Park, to be eminently suitable to assist in meeting the need for industrial and warehousing land for Coventry and Warwickshire, and in particular Rugby Borough.

Another adjoining land parcel owned by the Landowner (forming part of the Cross In Hand Farm), to the immediate north of the Site and which extends to 233 acres/94 hectares is being promoted by Nurton Development (Lutterworth) Limited (NDL) for allocation as a Strategic Warehousing, Distribution and Logistics site. This area is shown edged red on Plan

NDL has submitted separate representations in respect of its land interest at Cross In Hand Farm to the Regulation 18 Issues and Options Consultation and call for Sites process.



Plan 1 (a): *Ownership within Rugby Borough*

The Site ownership within Rugby Borough is shown edged red on **Plan 1(b)** below.



Plan 1 (b) Ownership of land with both Rugby Borough

The white line shown on Plan 1(b) running to the west of and parallel to the A5 is the administrative boundary between Rugby Borough and Harborough District. Appropriate representations will be made to the Harborough Local Plan Regulation 18 Consultation that is currently being undertaken the balance of the site owned by the Landowner,

Nature and scope of Representations

These representations relate to the whole of the Site and consider the following questions raised in the Regulation 18 Issues and Options Consultation regarding employment land:

CONSULTATION QUESTIONS

1. How much employment land should we be planning for?
2. What type of employment land should we be planning for?
3. Please provide any comments you have on the suitability of any of the broad locations listed above (or another location we have missed).
4. How can we provide more space to allow existing businesses to expand?
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?
6. Are there exceptional circumstances that mean we should amend Green Belt boundaries to meet the need for employment land?

The merits of this Site as a potential commercial and warehouse distribution and logistics are set out in response to the Call for Sites Submission, which has been submitted separately to Rugby Borough Council, as part of the Regulation 18 Issues and Options Consultation process. In the response to Question 3 below we provide an executive summary of that submission.

Before turning to the responses to the questions posed by the Regulation 18 Issues and Options Consultation, we set a context of the relevant up-to-date national planning policy

considerations contained in the National Planning Policy Framework (December 2023) [NPPF], particularly regarding the preparation of Local Plans and its evidence base.

National Policy – material considerations in respect of employment land relevant

to inform employment considerations of the Local Plan Review

In responding to the above questions, it is important in our view, to firstly have regard to the material considerations contained in the NPP, which advise upon the importance of preparing and maintaining up-to-date Local Plans, underpinned by a relevant and up-to-date evidence base; and the importance of the policy framework and allocations (including strategic policies) to driving a strong, competitive and resilient economy.

Paragraph 1 provides that NPPF sets out the Government’s planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans can provide for sufficient housing and other development in a sustainable manner. Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.

Paragraph 7 provides that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.

In seeking to achieve the three overarching objectives paragraph 9 states “Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

Plans should make explicit which policies are strategic policies. In so doing, broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area.

Paragraph 31 importantly provides that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.

One emphasis from Government is to build a strong, competitive and resilient economy. In looking to achieve this paragraph 85 provides that Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

The NPPF goes on at paragraph 88 to advise that Planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;

- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

Similarly, paragraph 89 importantly emphasizes that Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

This is a relevant material consideration to strategic or non-strategic storage distribution warehousing and logistics allocations in Rugby Borough; specifically in locations which are well connected to the major road networks, close to existing established strategic storage or non-strategic distribution warehousing and logistics (e.g. Magna Park) and to sites not located in the Green Belt.

In promoting sustainable transport, the NPPF provides that transport issues should be considered from the earliest stages of plan-making and development proposals.

Paragraph 109 of the NPPF provides that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It is recognised this can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

Planning policies should, inter alia:

- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
- b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.

We set out below the responses to the 5 questions raised in the Issues and Options Consultation in respect of which these representations respond to:

Response to Question No.1 – How much employment land should we plan for?

The Issues and Options rightly refer to the Coventry and Warwickshire HEDNA in setting out the potential need for employment land. These are set out in the first table in Section 3 and differentiate between the need for industrial land for Rugby Borough and the wider need for strategic warehousing land across Coventry and Warwickshire. In addition, the table provides

figures for need to both 2041 and 2050.

These figures should not be interpreted as maximums or ceilings. Section 3 refers subsequently to the new West Midlands Strategic Employment Sites Study. This study is being produced (by Icení – the authors of the HEDNA) and we understand its scope includes projections of strategic employment land, with specific regard to the Big Box sector. These projections could lead to a greater quantifiable need. If so, then the HEDNA projections should be interpreted as minimum figures of need for the purposes of plan-making. The supply against the HEDNA derived need for general industrial land for Rugby can be seen in the Table 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 |

Second Table from Section 3 of the Issues and options Consultation (under the heading of How Much More Employment Land do we Need to Find?)

It is what need is to be met and how it is currently supplied that determines the amount of new employment land requirements. Having regard to the above Table we consider it misrepresents the quantum and quality of land that is required to be provided in the new Local Plan. In particular, it takes no account of any unmet need for Coventry or contributing to meeting the wider need for strategic warehousing.

The Issues and Options Consultation recites at paragraph 330 that *“Under the current Rugby Borough Local Plan, we are planning for the delivery of 208 hectares of employment land 2011-2031. This includes 98ha that was to accommodate Coventry City Council’s unmet need.”*

It goes on to provide at paragraph 3.32 that *“...The local plan’s Rugby Borough requirement for 102ha of employment land over 20 years 2011-31, compares to an industrial land requirement in the HEDNA for 150.5ha 2021-2041. This shows that the need for Rugby Borough has grown. Added to this in the current local plan is 98ha of need from Coventry City Council’s area.”*

In addition, Paragraph 3.32 states *“However, It is yet to be decided whether Coventry City Council will be able to meet its own need for industrial land and, if not, where any unmet need will be met. However, Rugby Borough Council will need to contribute to meeting some of the identified need for strategic warehousing land in Coventry and Warwickshire”* (The current Local Plan does not distinguish between strategic and non-strategic employment land). So, Rugby contributed 98 hectares to help meet Coventry’s need in the last development plan cycle, but states that it is:

“yet to be decided whether Coventry City Council will be able to meet its own need for industrial land and, if not, where any unmet need will be met.”

Looking forward, the HEDNA projects a need for general industrial land (excluding offices and strategic warehousing) for Coventry of 147.6 hectares to 2041 and 214 hectares to 2050. The Coventry Local Plan Review Issues and Options identifies an available employment land supply of 60.35 hectares (as at March 2023), of which 53.02 hectares is suitable for industrial

and non-strategic warehousing. This identified land embraces allocations which are problematic in delivery difficult to deliver (e.g. 25 hectares at Baginton Fields). Accordingly, in our view these figures should be considered to be a notional maximum figure. In addition, there are few, if any, obvious new employment sites emerging within Coventry's boundaries.

Accordingly, we strongly submit that the net unmet need for Coventry will be a minimum of 95 hectares (i.e. 147.6 – 53.02) for the period 2041 and 161 hectares (i.e. 214 – 53.02) for the period to 2050.

In addition, Rugby is so well placed in economic, functional and geographical terms that it can play (and should) a significant role as a contributor to meeting that need.

We suggest that the Table below summarises the need for the three separate employment sectors:

Need for the Three Different Sectors.

| | Rugby General Industry | Coventry unmet (net) | Strategic B8 |
|---------------------|-------------------------------|-----------------------------|---------------------|
| Need to 2041 | 150.5 | 95 | 551 |
| Need to 2050 | 218.2 | 161 | 735 |

Based on available information of completions and extant planning permissions from data taken from the Annual Monitoring Reports and set against the need for General Industry in Rugby, the net unmet need for Coventry and strategic B8 development draws the following key conclusions, to inform this Local Plan Review on employment land needs in the Borough given Rugby's significant role it plays in meeting the following:

- Rugby's general industry current supply equates to 32% of the identified need to 2041 and 22% of the need to 2050;
- Rugby can contribute 68% to assist in meeting Coventry's unmet need to 2041 and 40% of the need to 2050; and
- Rugby can contribute 14% of the need to the wider strategic B8 need to 2041 and 10% of the need to 2050.

Therefore, the above figures demonstrate that in terms of general industrial land there is a significant and crucial need (in terms of net requirement) to find more land to meet this need, particularly on land that is suitable and available outside of the Green Belt in the Borough. In similar vein, we conclude there is real opportunity, again on land outside of the Green Belt in the Borough, to make a significant contribution in terms of land to meet the wider and increasing demand for strategic distribution uses.

The key virtues underpinning Rugby's role, competitive advantages and attractiveness across the employment land markets is set out in paragraphs 2.14 to 3.21 of the Issues and Options Consultation document, which concludes by importantly acknowledging that

"It is the Council's expectation that the Economic Strategy will support the expansion of manufacturing, research and development employment land. Therefore, additional site allocations are likely to be necessary to enable this need to be met and for Rugby to continue to be able to attract the next generation of these skilled businesses and jobs."

In summary, we submit that:

- ✚ These figures should be taken as 'minimum' land requirements needed for the

specified types of employment land figures.

- ✚ It is also noted that alongside this review of the Local Plan, the Council is producing a new economic strategy to inform the Local Plan. As part of the Economic Strategy, there will be further consultation to ensure the Local Plan review is based on an up-to-date evidence base that informs a clear and transparent understanding of the employment land requirements,
- ✚ Rugby is well placed to contribute 76.46 ha to the wider strategic B8 need. This equates to 14% of need to 2041 and 10% of need to 2050.
- ✚ This comparative analysis indicates that there is a significant net requirement to find more land to meet Rugby's general industrial needs. This seems to be far more pressing than meeting the unmet need for Coventry.
- ✚ In addition, there is clearly a scope for Rugby contributing substantially more land to ensure the wider need for strategic distribution land is met. This is particularly so given Rugby's competitive advantages in attracting this sector, as explained by paragraph 3.14 – 3.21 of the Issues and Options.
- ✚ There is a shortfall in current supply against the principal employment land needs considered above.
- ✚ Suitable sites, we submit should be located at existing or established nodes (e.g. Magna Park) and outside the Green Belt, if at all possible (e.g., this site at Cross In Hand), to assist in meeting the employment land needs of the Borough in the new Local Plan.

Response to Question No.2 – What type of employment land should we be planning for?

As with any type of development a Local Plan should be planning for, it must be informed and led by a strong evidence base. This is at the heart of Government Policy as set out above in the section outlining the NPPF, for example:

- ✚ Paragraph 31 importantly provides that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals; and
- ✚ Paragraph 89 importantly emphasizes that Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

In simple terms, this should be led by the relevant and up-to-date evidence. The evidence is pointing to the particular need to meet Rugby's general industrial needs and the wider needs for strategic warehousing.

Response to Question No.3 – Please provide any comments you have on the suitability of any of the broad locations listed above (or another location we have missed)?

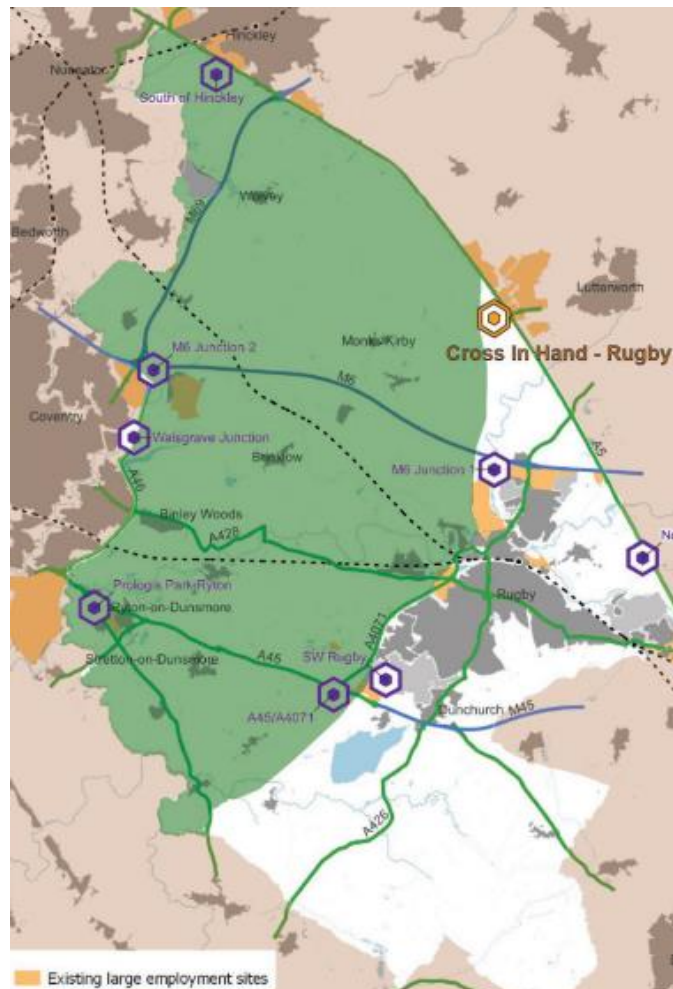
The Issues and Options Consultation provides on page 18 a plan (**Plan 2** below) showing eight potential broad locations. Cross In Hand is one other suitable potential location to be

assessed for large-scale employment land (manufacturing and distribution uses) allocation, potentially with other land promoted adjoining this Site as part of a future strategic employment site, which will be assessed through the forthcoming housing and employment land availability assessment

The Site is not in Green Belt as is well located good access to A-roads and motorways, thereby avoiding inappropriate routing of HGVs through residential areas and country lanes; and should be close to and readily accessible to allow staff access to work.

It is submitted that the Site can also satisfactorily address considerations concerning landscape impact, the capacity of the highways network, and transport accessibility, both for commercial traffic, for employees getting to work, the contribution that Site can make to reducing carbon emissions and delivering wider benefits to the borough's economy and residents.

In this regard to the eight potential locations on **Plan 2** below, it is noted that five of these are located in the Green Belt.



Plan 2: *Issues and Options Consultation potential 'location' for strategic employment opportunities.*

The above plan also indicates the extent of designated Green Belt (shaded green).

As indicated earlier these representations for the Site, which address the employment land questions posed in the Issues and Options Consultation should be read in conjunction with the Call for Sites Submission submitted separately to Rugby Borough Council.

Given the high-planning for these locations to be selected over locations outside of the Green Belt, the clear preference of locations should be focused first and foremost on suitable locations (i) that are not in the Green Belt and (ii) with good access to A-roads and the strategic road network.

From consideration of **Plan 2**, it can be seen that:

- ✚ Of the potential locations 3 are closely related to Coventry and are situated within the designated Green Belt. Clearly, in locational terms these locations are best suited to meet the unmet needs of Coventry. However, the high-bar planning test of demonstrating 'very special circumstances' would need to be satisfied.
- ✚ Of the other two locations (M6 junction 1 and South West Rugby) as they are extensively developed or allocated for mixed-use) one must question what capacity is available at both locations respectively to deliver further substantial employment development.

The Site at Cross-In-Hand is indicated by the orange hexagon on **Plan 2** above.

There is significant Promoter/Developer interest in the site and its location. The location of this Site is identified on the **Plan 3** at the beginning of this representation.

The larger parcel of land edged red, which also forms part of the Cross In Hand Farm, and extends to 225 acres/91 hectares is being promoted by Norton Development (Lutterworth) Limited on behalf of the Landowner, as a strategic warehouse distribution site.



Plan 3: ND L site on adjoining Cross In Hand Farm

Other developments within close proximity of the Site includes Magna Park and Streetfields Solar Park, which are shown on **Plan 4** and **Plan 5**, respectively, below.



Plan 4: *Client Ownership, Green Belt, Flood Zones, Solar Development & Magna Park*



Plan 5: *Streefields Farm Solar Park (Planning Consent granted 18 July 2019)*

As mentioned above, to the east of the site, on the opposite side of the A5, is Magna Park Lutterworth; this is the strategic industrial warehouse / distribution hub which falls within the administrative area of Harborough District Council. Magna Park Lutterworth has planning for the expansion of the existing nine million square feet of floor space to sixteen million square feet and work has begun on three speculative logistics and distribution units, totalling 525,400 square feet. Below is a photograph showing the view across the Site with Magna Park in the background showing the distribution buildings:



Photograph of view across the Site with Magna Park in the background showing the distribution buildings

The aerial photograph below also shows the proximity of the Site to the Magna Park.



Aerial of Site and proximity to the edge of Magna Park

We set out below an executive summary of the merits of the site in terms of its location, suitability and deliverability as an employment site (not exhaustive) and its location north of Houlton on the A5, a location identified in the Issues and Options Consultation at paragraph 3.40 and on Plan 2 above as potential 'location' for strategic employment opportunities.

Location

- ✚ Site is well located in relation to UK motorways (M6/M1/M69) and the strategic road network (e.g., A5);
- ✚ Adjacent to Magna Park (immediately to the east of the A5);
- ✚ Accessible to a large labour workforce catchment;

- ✚ Accessible and easy connectivity too/with existing bus routes, pedestrian and cycleways
- ✚ Access into the site is available from the B4027 Lutterworth Road, via the entrance to the existing farm track.

Constraints

- ✚ Site is not located in designated Green Belt
- ✚ Site has no landscape designations
- ✚ Does not adversely affect any heritage assets
- ✚ Agricultural Land Quality Grade 3(b) – not best and most versatile agricultural land
- ✚ Flood Zone 1
- ✚ Ecology
- ✚ One Oak Tree within the southern central area of the site is subject to a TPO (T11) but could be accommodated into the development
- ✚ No archaeological constraints that cannot be managed by planning condition
- ✚ No PRow
- ✚ No pipelines or development zones (oil, high-pressure gas etc) cross the Site
- ✚ Site is generally flat with gentle gradient.

Deliverability

- ✚ Single landowner-family ownership
- ✚ Significant employment Promoter interest
- ✚ No access constraints (e.g. third-party land)
- ✚ Off-site highway improvements can be delivered within highway or landowner ownership, including cycle/footways.
- ✚ No utility concerns – gas, electricity, power
- ✚ Opportunities to seek to retain as much of existing habitats as possible and deliver 10% bio-diversity gain through Master Plan design
- ✚ No surface water or foul water drainage constraints
- ✚ High quality strategic landscape strategy to integrate development into the character and appearance of the area

The site has the capacity, subject to detailed layout and design to have potential capacity for a range of non-strategic warehouse distribution warehouse premises or single building. (circa 500,000 sqft/50,000 sq. m.) to make a valuable contribution to the future employment needs of the Borough and wider Coventry and Warwickshire area that would deliver major inward investment, jobs, and rateable income from the warehouse distribution and logistics and manufacturing sectors.

Accordingly, the Site is entirely suitable for allocation in the Rugby Borough Local Plan as an employment site for warehouse distribution (e.g., the Big Box sector - over 100,000sq.ft/and logistics or manufacturing.

Response to Question No.4 – How can we provide more space to allow existing businesses to expand?

The Borough Council wish to allow existing businesses to expand but acknowledge in the Issues and Options Consultation (see paragraph 3.11) that there is a shortage of 'grow-on space' enabling existing businesses to expand. This would also appear to be an issue in the wider market for the West Midlands.

The allocation and development of sites with the potential to deliver Big Box sector buildings, which are more viable to develop than smaller size, would ensure more certainty over delivery due to the fact that the Big Box units (i.e. units of 100,000 sqft plus). are more viable/less challenging and create better yields than the smaller sized market units (e.g.2,500 sqft to 25,000 sq. m

Further discussion could ensue during the next stage of the Local Plan process to discuss this further for proposed development at Cross-in-Hand, subject to the overall scale of smaller units being proportionate, viable and suitable in design terms.

Response to Question No.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?

No, this is not supported by the Landowner.

The Landowner considers that the allocation of employment sites should represent a range of employment uses, which in turn provide maximum flexibility for marketing. As indicated above this principle is adopted by the Landowner at this Site, which is attractive to both industrial and warehouse uses.

Response to Question No.6 – Are there exceptional circumstances that mean we should amend Green Belt boundaries to meet the need for employment land?

In the answers to Question 1 above, much depends in the answer to this question as to the quantum of employment land, and its constituent split between employment uses that would drive the need to consider whether Green Belt land should be forsaken to enable employment land to be allocated within it and thus alter or amend the extant Green Belt boundary in Rugby Borough.

In such circumstance the question would arise if ‘very special circumstances’ existed to rebut the presumption against inappropriate development in the Green Belt Employment development by its very nature is ‘inappropriate development’ (in Green Belt terminology).

In addition, paragraph 146 of the NPPF must be also borne in mind in relation to this question, namely “*Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate the details examined fully all other reasonable options for meeting its identified need for development.*”.

The above answers have revealed three difference sources of need: - Rugby general industrial; Coventry unmet need; and Strategic warehousing.

Unlike Coventry, which is very constrained by Green Belt in seeking to meet its unmet need, there are options outside the Green Belt in order to meet Rugby’s general industrial needs **and** for it to make a valuable and significant contribution to meeting the wider need for manufacturing and warehousing and logistics development.

Of those options, the Site presented by these representations, at Cross In Hand is suitably located to meet both needs and can be allocated with confidence that it is a:

- ✚ suitable site;
- ✚ well located to the strategic road network and labour forces;
- ✚ unconstrained
- ✚ deliverable site; and
- ✚ with a close relationship with the adjacent Magna Park for those proposed uses.

We trust these representations will be of assistance to the Borough Council in relation to the questions answered regarding the employment land need and allocation issues.

We would be very happy to meet with Officers of the Council and other key stakeholders to discuss this representation further in due course. In the meantime, if any matters do arise the Borough Council wish to discuss please do not hesitate to contact us.

Silver Fox Development Consultancy



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