

Rugby Borough Council

Coton Forward Neighbourhood Plan Decision Statement

1. Summary

- 1.1 Following an independent examination, Rugby Borough Council (“the Council”) now confirms that the Coton Forward Neighbourhood Plan (“the Neighbourhood Plan”) will proceed to a Neighbourhood Planning Referendum.

2. Background

- 2.1 On 6 February 2013 Rugby Borough Council designated Coton Forward as a Neighbourhood Forum for the purposes of preparing a Neighbourhood Plan in accordance with Part Two of The Neighbourhood Planning (General) Regulations 2012
- 2.2 Following submission of the Neighbourhood Plan in October 2014, the Plan was publicised and representations were invited between 24 October and 5 December 2014.
- 2.3 The Council appointed an independent examiner Mr Christopher Lockhart-Mummery Q.C. to review whether the Neighbourhood Plan should proceed to Referendum.
- 2.4 The examiner’s report, published on 16 January 2015, recommended that the Neighbourhood Plan be refused. The examiner concluded that while parts of the Neighbourhood Plan complied with the statutory requirements, key parts – Policies 1 and 2 – did not, as they did not meet the Basic Condition that having regard to national policies and advice contained in guidance issued by the Secretary of State on the matter of delivery of plan proposals, it was appropriate to make the Neighbourhood Plan.
- 2.5 The examiner considered whether it would be appropriate to recommend the making of Modifications that would secure that the statutory requirements were met, but concluded that such a course would not be appropriate.
- 2.6 On 9 March 2015 the Cabinet of the Council resolved, in accordance with officer recommendation to make a decision that differed from that recommended by the examiner, that is to say to make Modifications to the Neighbourhood Plan and to invite representations upon the same.
- 2.7 The proposed Modifications, and the reasons for the Council to propose making a decision differing from that recommended by the examiner were publicised and representations were invited between 27 March and 8 May 2015.

3. Decision and Reasons

- 3.1 Having considered the representations received in response to the publication of the proposed Modifications, the Cabinet of the Council has decided to make the Modifications set out in Appendix 1 below to secure that the draft Neighbourhood Plan meets the Basic Conditions, and to proceed to Referendum.

3.2 The Reasons for the Council disagreeing with the recommendation of the examiner, deciding to modify the Neighbourhood Plan, and deciding to proceed to Referendum are as follows:

- (i) The Council agrees with the examiner's conclusion that Policies 1 (improving the three roundabouts on Coton Park) and 2 (Coton Park's identity as a Residential Area) in the submission draft Neighbourhood Plan do not meet the statutory requirements. Accordingly, the Council has decided to delete those policies.
- (ii) The Council, however, disagrees with the examiner's conclusion that it would not be appropriate to make Modifications to the Neighbourhood Plan, and in particular whether the remaining policies (Modified Policies 1 (Coton Park Community Centre) and 2 (Coton Park's Local Green Spaces)), which were found by the examiner to meet the statutory requirements, are necessary for inclusion in a Neighbourhood Plan.
- (iii) The Council is of the view that the remaining policies are necessary for inclusion in that they allocate land for a use and/or designation which is not currently afforded within the current Development Plan, offer an additional level of detail beyond the existing national and Development Plan strategic policies, and are clear and unambiguous.
- (iv) Modified Policy 1 is clear that an area of land is to be designated for a community centre, a Policy which the Council, as local planning authority can apply consistently and with confidence when determining planning applications.
- (v) With regard to Modified Policy 2, NPPF paragraph 77 allows for the designation of Local Green Spaces where, inter alia, the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife.
- (vi) The projects contained within the Plan would not have been subject to the basic conditions therefore they should not have been a consideration for the examiner when he contemplated modifications to be made to the plan.

3.2 As the examiner considered the Neighbourhood Plan should be refused, he made no recommendation as to the referendum area. The Council has had regard to the Neighbourhood Forum's representation, in response to the Submission draft Neighbourhood Plan, that the referendum area should be extended, but has concluded that the referendum area should be as set out in the Submission draft Neighbourhood Plan.

3.3 In order to meet the requirements of the Localism Act 2011 the Council has therefore decided that a Referendum which poses the question 'Do you want Rugby Borough Council to use the Coton Forward Neighbourhood Development Plan to help it decide planning applications in the neighbourhood area?' which will be held in the Coton Forward Neighbourhood Area.

3.4 The date on which the Referendum is to be held is agreed as Thursday 8th October 2015.

Appendix 1

Proposed Modifications

APPENDIX 1 MODIFICATIONS

Key

Strikethrough -- Deleted text

Underlining – New text

Section	Change	Reason
Contents Page	<p>Policy 1 – Improving the Three Roundabouts on Coton Park Page 17 Policy 2 – Coton Park’s Identity as a Residential Area Page 19 Policy <u>3</u> <u>1</u> – Coton Park Community Centre Policy <u>4</u> <u>2</u> – Coton Park’s Local Green Spaces</p> <p>Section I - Coton Forward’s Projects Project 1 – Creation of Communal Parking Facilities Project 2 – Creation of a Two-way Access Road from the Eastern End of Central Park Drive Project 3 – Road Markings on Coton Park Development Project 4 – Other Traffic Management Measures <u>Project 5 – Improving the Three Roundabouts on Coton Park</u> <u>Project 6 – Coton Park’s Identity as a Residential Area</u> Project 5<u>7</u> – Community Focus – Allotments and Community</p> <p>Re – numbering of the content page accordingly</p>	<p>To secure that the draft order meets the basic conditions.</p> <p>Following the examiner’s report paragraph 45 it was recommended that policies 1 and 2 do not meet the requirements of section 38A (2) and basic conditions (a).</p> <p>The content of the policies however are still a key issue for the neighbourhood plan and therefore it is considered that they should be moved to the projects list in Section I.</p>
Plan Period	<p>Change references to the plan period throughout the Neighbourhood Plan: 2014-203<u>4</u> <u>26</u>.</p>	<p>To secure that the draft order meets the basic conditions. The examiner’s report paragraph 36 highlighted that it would have recommended that the plan period should be aligned with the Core Strategy.</p>
Section B	<p>Last Paragraph: The policies in this plan will apply for the next 15 year</p>	<p>To secure that the draft order meets</p>

	years, to 2029-26.	the basic conditions. The examiner's report paragraph 36 highlighted that it would have recommended that the plan period should be aligned with the Core Strategy.
Section D Neighbourhood Area Map:	Delete map and insert new map	To secure that the draft order meets the basic conditions and modifications for the purpose of correcting errors Map to display Neighbourhood Plan area only removing references to now deleted policies.
Section G Vision and Objectives	<p>Insert new paragraph after text: These are strategic planning matters that need to be assessed beyond the neighbourhood level.</p> <p>New text and amendment: <u>Section I of the plan identifies projects relating to the highway, which the forum believes will help improve traffic movement through and within the neighbourhood area. None of the indicated works constitute development requiring planning permission and will be entirely within the hands of the highway authority or developer.</u> The Forum thereby concluded that the neighbourhood plan would focus on addressing the other issues promoting social interaction, and the health and well-being of the local community through the related policies:</p> <p>Coton Forward therefore has the following objectives and related policies:</p>	<p>To secure that the draft order meets the basic conditions and modifications for the purpose of correcting errors and clarity.</p> <p>Reflect that policy 1 and 2 will now be projects.</p>
Section G Vision and Objectives	Table on page 16 – deletion of the objective “ To better manage traffic movements through and within the development” and the related policies.	To secure that the draft order meets the basic conditions

	<p>Re numbering of policies:</p> <p>3 <u>1</u> Coton Park Community Centre</p> <p>4 <u>2</u> Coton Park's Local Green Space</p>	<p>Reflect that policy 1 and policy 2 will now be projects and therefore is no longer an objective.</p>
Section H	<p>Coton Forward's Policies</p> <p>Delete Transport Objective</p> <p>Transport Objective — to better manage traffic movements through and within the development</p>	<p>To secure that the draft order meets the basic conditions</p> <p>Reflect that the objective is now deleted and the related policies are projects.</p>
Section H	<p>Remove policy 1 and insert as new project 5 with amended text:</p> <p>POLICY 1 <u>Project 5</u>– Improving the Three Roundabouts on Coton Park</p> <p>To improve traffic flows on the development, the following junction improvements will be undertaken <u>sought through discussions with Warwickshire County Council</u> (see artist's impressions of improvements):</p>	<p>To secure that the draft order meets the basic conditions and modifications for the purpose of correcting errors</p> <p>Reflects that the policy as highlighted within the examiner's report does not meet the statutory requirements. Though the thrust of the "policy" is still a key issue that has been identified by the community.</p> <p>Reflect that further discussions regarding any alterations to the highway network would be in discussion and undertaken by Warwickshire County Council.</p>
Section H	<p>Amendment to existing Policy 1(New Project 5) supporting text:</p>	<p>modifications for the purpose of</p>

	<p>Delete final paragraph:</p> <p><u>....identified all three as needing improvement. In August 2013 the Forum appointed David Tucker Associates to further investigate this problem and to consider some practical and creative solutions⁶, which formed part of the Pre-Submission Draft in February 2014⁹.</u></p>	<p>correcting errors</p> <p>Correcting error as paragraph was previously in isolation.</p>
Section H	<p>Amendment to existing Policy 1(New Project 5) supporting text:</p> <p>This is the crux of the problem and one of the main motivations to prepare the neighbourhood plan.</p> <p>The National Planning Policy Framework states that transport policies have an important role to play in facilitating sustainable development and contributing to wider health issues. It adds that encouragement should be given to solutions which reduce greenhouse gas emissions and reduce congestion³.</p> <p>For larger scale residential developments planning policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site. Where practical, particularly within large-scale developments, it suggests that key facilities such as primary schools and local shops should be located within walking distance of most properties³.</p>	<p>modifications for the purpose of correcting errors</p> <p>For clarity that the text is related to policy which is no longer relevant and to reflect change from policy to project.</p>

Section H	<p>Coton Forward's Policies – Policy 2: Delete policy and its supporting insert it as new project 6</p>	<p>To secure that the draft order meets the basic conditions</p> <p>Reflects that the policy as highlighted within the examiner's report does not meet the statutory requirements. Though the thrust of the "policy" is still a key issue that has been identified by the community.</p>
Section H	<p>Coton Forward's Policies – Policy 3: Re-number policy number Policy 3<u>1</u></p> <p>Amend explanation text within the first paragraph: The site is mentioned in Policy 4<u>1</u> <u>2.1</u> and Rugby Borough Council have agreed in principle to the site being used for the community centre.</p>	<p>To secure that the draft order meets the basic conditions</p> <p>Reflects the deletion of current policies 1 and 2.</p>
Section H	<p>Re- number policy: Policy 4<u>2</u></p> <p>Explanation text add new sentence at the end of the second paragraph: The green space that does exist is much valued by the local community. <u>Within the Site 1 under the pylons and the "wildlife section" of Site 2, the open spaces are also valued for their richness of wildlife attributes.</u></p>	<p>To secure that the draft order meets the basic conditions</p> <p>Reflects the deletion of current policies 1 and 2. New text reflects comments within the examiner's report paragraph 38.</p>
SECTION I - Coton Forward's Projects	<p>Transport Objective Key Issues: To better manage traffic movements through and within the development</p> <ul style="list-style-type: none"> • <u>lack of opportunities for on street parking and;</u> • <u>Poor traffic movement through and within the development</u> 	<p>To secure that the draft order meets the basic conditions</p> <p>Reflects that there is no longer a transport objective but the projects</p>

		relate to the key issues identified.
SECTION I - Coton Forward's Projects	4.1 PROJECT 5-7 - Community Focus - Allotments and Community Gardens	Reflect the insertion of policy 1 and 2 as projects within the heading: To better manage traffic movements through and within the development