



The Planning Inspectorate

Report to Rugby Borough Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Rugby Borough Local Plan 2011-2031

The Plan was submitted for examination on 14 July 2017

The examination hearings were held between 23 January-1 February and 17-26 April 2018

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identifies the improvements to the waste water treatment infrastructure necessary to mitigate the impacts of development. Overall, the Water Cycle Study confirms that treatment capacity should not be seen as a barrier to growth in Rugby.

317. With regard to water supply and quality, Policy SDC7 seeks to ensure that there is adequate water supply to serve existing and new developments by directing development to areas where there is an adequate water supply and ensuring development does not affect waterbodies' ability to reach a good status. In combination with the application of the optional higher water standard in Policy SDC4 this is a sustainable approach to managing the impact of the planned development on water supply. **MM126** is necessary to ensure this applies only where development 'adversely' affects waterbodies.

Renewable Energy and Low Carbon Technology

318. Policy SDC8 supports the development of new low carbon and renewable energy technologies, subject to a series of criteria. This would be consistent with paragraph 97 of the NPPF. **MM127** and **MM128** are necessary to ensure that proposals for solar farms make use of areas poorer quality agricultural land first before consideration is given to their development on the best and most versatile agricultural land, in accordance with paragraph 112 of the NPPF. **MM129** is necessary to provide clarity on the requirements for hydropower schemes.

Broadband and Mobile Internet

319. Policy SDC9 expects new development to facilitate and contribute towards the provision of broadband infrastructure across the borough. This is consistent with national policy in supporting high quality communications infrastructure. However, the policy goes further in seeking to exercise control over the price at which services are provided, the choice of network carrier and the design of the duct network. These go beyond reasonable planning controls and are not justified. Therefore, **MM130** and **M131** are necessary remove reference to service price, provider and duct design from the policy and supporting text.

Conclusion on Issue 13

320. Subject to the MMs set out above, I conclude that the Plan's policies for sustainable design and construction are justified, effective and consistent with national policy.

Issue 14 – Does the Plan provide the infrastructure necessary to support the delivery of development in the Plan and are its policies for delivery justified, effective and consistent with national policy?

Transport

321. I have considered the effects of the Plan's development proposals on the transport network above and am satisfied that they are capable of being mitigated over the Plan period, subject to the delivery of the transport schemes and measures set out in the IDP. Policy D1 should ensure that the transport impacts of all development proposals are assessed at the planning application stage and required to provide the necessary mitigation taking account of the priority for use of sustainable modes of transport.

322. However, as drafted in the submitted Plan, Policy D1 does not make reference to either the measures set out in the highway authority's Sustainable Transport Strategy (STS) or those in the IDP. Applications for smaller development are expected to be accompanied by a Transport Statement (TS), but the policy does not define what the TS should address. **MM132** is therefore necessary to include references to the STS and the IDP, and to clarify the role of the TS, which will ensure the policy is effective in development management.
323. Warwickshire County Council is bringing forward a new Parkway Station at Houlton on the Rugby Radio Station site¹²¹. This is one of the key sustainable transport schemes to support the growth of the town and mitigate the adverse effects of traffic, by providing an alternative point of access to rail services away from the centre of Rugby. For the Plan to be effective in reducing reliance on the use of the car and supporting the shift to sustainable transport modes, the site for the parkway station should be safeguarded. Policy GP4 provides the basis on which to resist planning permission which would prejudice the provision of infrastructure. However, specific reference to the Parkway Station scheme in the supporting text of Policy GP4 and in the IDP would make the Plan effective in providing the necessary safeguarding. For this reason, **MM10** is necessary to refer to the Rugby Parkway Station in support of Policy GP4 and **MM143** and **MM161** to include the Parkway Station scheme in the IDP.

Parking Facilities

324. Policy D2 seeks to ensure that development provides satisfactory parking facilities in line with the standards set out in Appendix 5 of the Plan. Setting local parking standards is consistent with paragraph 39 of the NPPF. As drafted in the submitted Plan, the standards for all categories of development apart from Class C3 residential uses, are expressed as maximum standards. However, this is not justified by evidence and therefore **MM163-MM170** remove the references to maximum standards to ensure they are applied as guidance. For effectiveness, **MM168** also clarifies how parking standards for students and parents at schools and colleges will be assessed.
325. A new standard is necessary for electric and hybrid vehicle charging points (**MM133** and **MM171**). This is justified in the context of the poor air quality in parts of Rugby and the need to support a modal shift towards low emission vehicles as part of the Council's Air Quality Action Plan. It would be consistent with paragraph 35 of the NPPF in order to exploit opportunities for the use of sustainable modes of transport. Whilst the cost of provision has not been included as part of the local plan viability testing, I am satisfied that the policy requirement allows for delivery to be varied if it can be demonstrated the provision of charging points would be unviable. Finally a new parking standard is necessary for people with disabilities (**MM171**) to ensure equality of access.

Infrastructure

326. The delivery of the scale and distribution of development proposed in the Plan will be dependent on sufficient infrastructure capacity being available to mitigate its impacts. The Infrastructure Delivery Plan (IDP) at Appendix 3 to the Plan, sets out a comprehensive list of the strategic infrastructure which is required to support and mitigate these impacts. In particular, this includes new transport,

¹²¹ Examination document RBC/03

education, healthcare and utilities infrastructure and facilities, as well as improvements to a range of other community services. **MM141-MM161** are necessary to include all of the required infrastructure schemes to ensure the IDP is up to date at the point of adoption and that the Plan is positively prepared in meeting the objectively assessed infrastructure requirements of the borough.

327. I have considered the infrastructure requirements for each of the site allocations above and concluded that the infrastructure required to mitigate the impacts of each development can be viably supported. Where necessary, the site allocations policies include the site specific infrastructure required. Policy D3 of the Plan comprises the overarching development management mechanism to ensure that planning permission will only be granted for development where capacity exists within the existing infrastructure or additional capacity can be provided. **MM134** and **MM135** are necessary to ensure the policy is effective and justified by reference to the IDP.

328. With particular regard to the capacity of secondary education facilities, the statement on secondary education submitted by Warwickshire County Council (the LEA) following the Stage 1 hearings¹²² forecasts a shortfall in secondary school places during the Plan period in Rugby. The proposed new schools at Rugby Radio Station and South West Rugby would not provide sufficient capacity. The main area of deficiency is in the north of Rugby. The LEA's preference is for the expansion of existing secondary schools in the town to meet this need. However, should the capacity not be available on existing school sites, a reserve site of 8.5 hectares for a new secondary school has been identified at Coton Park East (CPE). I have discussed the mechanism for the safeguarding of this site in my assessment of the soundness of the CPE site allocation under Issue 4 above, together with the MMs necessary to incorporate it into the Plan. I confirm that these are required to ensure the Plan is positively prepared in meeting the education infrastructure needs required to support the proposed housing growth. **MM136** is also necessary to ensure the requirement for the safeguarded school site is justified in support of Policy D3. I have amended the wording of the MM to ensure the period for safeguarding is consistent with the 12-24 month period discussed above.

Planning Obligations

329. Policy D4 provides for the use of planning obligations to enable the delivery of infrastructure or measures to mitigate the impacts of development. Whilst the use of planning obligations is supported by national policy, as drafted in the submitted Plan, Policy D4 is not consistent with paragraphs 203 and 204 of the NPPF. In particular, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition, and where they meet the tests set out in national policy. **MM137** and **MM138** ensure that Policy D4 and its supporting text reflect these provisions.

Implementation and Monitoring

330. Appendix 1 to the Plan sets out a framework for monitoring the progress on implementing the policies and proposals of the Plan. **MM139** is necessary to update the framework in line with the MMs described elsewhere in this report.

¹²² Examination document OTH38

Conclusion on Issue 14

331. Overall, subject to the MMs discussed above, I conclude that the Plan provides for the infrastructure necessary to support the delivery of development in the Plan and its policies for delivery are justified, effective and consistent with national policy.

Public Sector Equality Duty

332. In arriving at my conclusions on the above issues, I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010. The impact of the Plan on groups with protected characteristics in Rugby borough has been assessed by an Equality Impact Assessment¹²³ which has been updated alongside the MMs. Particularly in respect of the protected characteristics of older people and other members of the community with specific housing needs, the policies in the Plan and the MMs associated with them will have a positive equality impact. Whilst the Plan does not provide a supply of deliverable and developable sites to meet the accommodation needs of gypsies and travellers in full, I am satisfied that the combination of the criteria based approach in Policy DS2 and a Gypsy and Traveller Site Allocations DPD will enable the Council to meet the shortfall within the plan period.

Assessment of Legal Compliance

Consultation

333. A number of representations expressed concerns about aspects of the consultation undertaken by the Council in preparing the Plan. For legal compliance purposes the test is whether the Plan was prepared in accordance with the minimum statutory requirements for consultation. The Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations) and the Planning and Compulsory Purchase Act 2004 set out the legal requirements relevant to consultation on local plans. In summary, these require the LPA to consult with specific organisations, local residents and businesses about the content of the proposed plan¹²⁴; to do so in accordance with the Council's Statement of Community Involvement (SCI)¹²⁵; to take account of any representations from those parties in preparing the plan¹²⁶; to explain how these representations have been taken into account and provide a summary of the issues which have been raised in a consultation statement¹²⁷, which must be submitted with the plan; and finally to invite representations from the same interested parties on the final publication plan before submitting it to the Secretary of State for independent examination¹²⁸.

334. The Council submitted a Consultation Statement¹²⁹ with the Plan in accordance with the Regulations. This explains that four phases of consultation took place during the preparation of the Plan. At the outset, in July-August 2013, the

¹²³ Submission document LP24

¹²⁴ Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012

¹²⁵ Section 19(3) of the Planning and Compulsory Purchase Act 2004

¹²⁶ Regulation 18(3) of the Regulations

¹²⁷ Regulation 22 of the Regulations

¹²⁸ Regulation 19 of the Regulations

¹²⁹ Submission document LP26