

## **Consultation on the Rugby Borough Council Local Plan – Publication Draft**

### **Consultation Response – Councillor Emma Crane, Leam Valley Ward**

I wish to make the following representations in relation to the September 2016 publication draft of the local plan. Whilst I recognise and support the need to build houses and to plan for the future in Rugby Borough, it is vital that the plan is right for Rugby and that it provides sustainable and deliverable development for the future. I have concerns that as currently drafted the Plan is unsound for the reasons set out below and in particular that the inclusion of the proposed Lodge Farm site at DS10 fails the National Planning Policy Framework (NPPF) tests for soundness.

#### **1. The Local Plan Process**

The ward of Leam Valley which I represent is entirely rural with few services and limited infrastructure or public transport. Large parts of the ward lie in the River Leam flood plain and the area floods frequently blocking roads and causing damage to properties. Previous iterations of the local plan did not include any major proposed development in Leam Valley. I was first made aware of the proposals for policy DS10 in the summer of 2016. At this stage there were few details of the proposals made available and the sustainability appraisal and traffic assessments which had been carried out as part of the previous consultation stages of the draft local plan had not considered the impacts of a 1,500 house development in the open countryside in this location.

One local plan consultation event took place in Leam Valley ward on 29 September and subsequently the public consultation was fixed for 26 September to 11 November 2016, being the minimum statutory period. There has been a huge public outcry not only about the proposals themselves, but about the lack of time given to local communities to absorb the huge amount of documentation, much of it complex and difficult to understand for those who are not planning experts. This process was further exacerbated by some of the documentation not being available at the beginning of the consultation and being released after 26 September, meaning that the public had less time than the 6-week period to consider it. A consultation period of 12 weeks would have been of great benefit to the local communities and would have allowed more effective and fair public participation in the local plan process.

The National Planning Policy Framework (NPPF) guidance on plan-making provides (at paragraphs 150-155) that local plans ought to “*reflect the vision and aspirations of local communities*” and that “*early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential*”. The local plan as currently drafted does not reflect the vision and aspirations of the local community in Leam Valley and my constituents and many others in Rugby Borough and across the county border into Northamptonshire strongly oppose policy DS10.

#### **2. The strategic aims of the draft local plan**

The draft local plan contains many references to a core strategic aim of “*delivering sustainable development*” which is the core element of the NPPF and I am very supportive of this aim. The plan also has the aspiration that “*the growth that Rugby Borough needs to accommodate over the period of the Local Plan needs to be delivered in a sustainable way*”.

The settlement hierarchy in the draft plan (Policy GP2) states that the main focus for all development in the Borough is to be in Rugby Town and within the existing urban areas outside the town. I agree that this is the most sustainable basis for development as housing would be located near to employment sites, transport infrastructure and services and would also better support use of the town centre. However, the hierarchy does not support the allocation of Lodge Farm (DS10), a greenfield site in open countryside far from Rugby Town, Coventry, services and infrastructure. National policy does not justify this unsustainable location. In addition, there appears to be little explanation, evidence or justification provided for why it is not possible to site more development within the town itself or surrounding urban areas.

#### **3. The Housing Numbers – Objectively Assessed Housing Need**

Policy DS1 assesses that Rugby has a need for an additional 12,400 homes over the plan period. This objectively assessed housing need (OAN) is based on figures proposed by GL Hearn, consultants appointed by RBC to prepare a Strategic Housing Market Assessment (SHMA). There are a number of questionable

assumptions in the SHMA prepared by GL Hearn. In addition, constituents have informed me that GL Hearn acted for a developer of a site in Rugby whilst working on the SHMA which raises possible conflict of interest issues. The assumptions in the SHMA should be questioned and credible evidence provided as to the rationale behind them. Some examples are:

- Projections in relation to population and household projections (from the Office for National Statistics) are treated as forecasts when in reality they are likely to be affected by changing government policies (eg the effect of Brexit on the economy and population). This is a particular risk when using projections 20 years in the future as have been used in the case of the SHMA.
- Figures for OAN have been increased from one year to the next with little explanation as to why;
- The economic forecasts are optimistic and little consideration has been given to changing commuter patterns.

The other concern around the OAN is that policy DS1 includes 2,800 houses which are part of Coventry's unmet housing need and which Rugby agreed that it would take as part of a Memorandum of Understanding. There does not appear to be any evidence provided as to why Coventry is unable to meet such a significant proportion of its own housing need and in addition, no evidence is provided as to how the decision was made to allocate such a large proportion of Coventry's unmet housing need to Rugby. 2,800 is equivalent to 30% of Rugby's own housing need. In order for a plan to be sound, local authorities should meet unmet requirements from neighbouring authorities "*where it is reasonable to do so and consistent with achieving sustainable development*" (NPPF paragraph 182). It has not been justified that it is reasonable to take such a large proportion of Coventry's unmet need and locating it far from Coventry's boundary and in open countryside and isolated from local services and infrastructure is not consistent with achieving sustainable development.

The projected population increase for Rugby of 30% over the local plan period also appears highly questionable. By way of comparison, London's population increase (as the fastest growing city in the UK) is estimated to be 30% with the UK as a whole at 15%.

If robust evidence cannot be provided for the housing need in Rugby then the plan may be found to be unsound. An independent planning consultant with no prior involvement in planning in Rugby Borough should be appointed to carry out a review of the SHMA and to test the assumptions on which the OAN is based. If the OAN figures are not robust and evidence cannot be provided to justify them, they should be revised downwards accordingly.

#### **4. Over-allocation of sites**

Even assuming that an independent review were to conclude that the OAN of 12,400 houses is justifiable, paragraph 4.12 of the draft local plan provides that the total anticipated provision in the plan period - based on anticipated build out rates - is 13,664 (an overprovision of 1,264). This is on the basis of an allocation of 15,427 dwellings (policy DS3) plus an estimate of 645 windfall sites.

There is no explanation given as to why there is such a huge over allocation (over 50% more than the OAN for Rugby of 9,600) other than the fact that the developers of the existing sites are building them out at a very slow pace. Why is it not possible to ensure that the existing developments are built out more quickly and fully before allocating more sites for development? This option does not appear to have been explored.

Such overprovision has a huge impact in terms of development for Rugby. If the number of dwellings to be allocated were to be reduced from 15,427 to 12,400 (or even 13,664 to allow some flexibility), the greenfield sites such as Lodge Farm (policy DS10) could be removed from the local plan altogether and Rugby would still meet its housing need. Other large development sites such as South West Rugby (DS8 and DS9) could be reduced in scope and still the OAN would be met.

There is also the issue of the deliverability of the local plan based on such high housing numbers. The average rate of annual completions in Rugby over the last 7 years has been 367. For Rugby Borough Council to adopt a local plan which assumes a completion rate of 620 per annum is optimistic at best but in practice is likely to be undeliverable which calls into question the effectiveness of the plan and its soundness. By allocating so many sites the developers will choose to develop sites that will lead to the biggest profit, rather than those sites which best meet the needs of Rugby Borough (and particularly in relation to affordable housing). The prioritised sites will inevitably be the greenfield sites. This also leads to the risk

that many sites will be started but not completed with the result that the necessary infrastructure will not be put in place, making sites unsustainable.

Another impact of the over allocation is that it is highly unlikely that Rugby will be able to meet its 5 year supply which will leave it vulnerable to speculative development – the very issue the local plan seeks to avoid. The over ambitious allocation of sites means that the plan is not positively prepared in accordance with the NPPF.

The NPPF (para 154) states that “*Local Plans should be aspirational but realistic*”. The current proposals for such high annual targets are not realistic meaning the plan is unsound as it is not consistent with national policy. The allocation should be reduced on a precautionary basis as once allocated the permissions cannot be retracted. The local plan will be reviewed every 5 years in any event and if the numbers need to be revised upwards at that stage they can be.

## 5. **Objection to Policy DS10 – Lodge Farm**

I wish to object to the inclusion of the land proposed to be developed as policy DS10 – known as Lodge Farm Garden Village. There are serious concerns around whether the above policy is sustainable and deliverable on the grounds set out below. In addition, the site has been allocated with a lack of public consultation and involvement which is contrary to the garden village principles.

- **Transport**

Due to its location in open countryside far from services and infrastructure, Lodge Farm will inevitably generate large numbers of car journeys in all directions. The Strategic Transport Assessment (STA) does not appear to have addressed all of the impacts of Lodge Farm.

The STA is based on an out of date traffic model (2010 Rugby Wide Area Model) which does not recognise significant changes to local roads (eg Tollbar island) and new developments (eg. Technology Drive, Elliotts Fields) and in addition the model does not cover journeys to and from the southern part of Rugby Borough where the Lodge Farm site is located. This means that all journeys going from Lodge Farm to Daventry, the M1, A5, M6 and M40, and through the various villages to Leamington and Southam cannot be included in the model and assessed. Inevitably this means that the full impact of the proposed development cannot be known as it is highly likely that local villages such as Grandborough, Willoughby, Flecknoe (and others) would be used as “rat runs” by traffic from Lodge Farm.

In spite of not taking into account all of the journeys and based only on journeys mapped on the existing modeling, the STA still concludes that any increase in the traffic at Dunchurch crossroads is “*highly undesirable*” and recommends that development at Lodge Farm should not take place until the South West Rugby Spine road has been completed (which is currently estimated to be during the period 2026-2031). Even with the spine road in place the STA still concludes that there will be impacts on the Dunchurch crossroads during the PM period which will require “*additional highway mitigation measures*”. The Dunchurch crossroads is already functioning at capacity and there are minimal adjustments which can be made to the existing junction due to constraints of listed buildings and monuments so it is not clear what, if any effect, such additional highway mitigation measures could realistically achieve. In addition, the Dunchurch cross roads are in an Air Quality Management Area where the NO2 limits have consistently been in breach of air quality limits. As well as causing further breaches of air quality regulations, development which would cause a rise in emissions would also be in breach of the NPPF (paragraph 30).

The A45 (which is where the Lodge Farm site is proposed to access onto) is a dangerous stretch of road where, in spite of the implementation of 50mph speed limits, there have been numerous accidents over the years. Siting a large development such as Lodge Farm and allowing thousands more cars onto the A45 gives rise to significant concerns around safety.

- **Deliverability**

The deliverability of Lodge Farm within the plan period is questionable. Although DS10 states that the allocation of Lodge Farm is dependent on the delivery of the spine road, the build trajectory for the Lodge Farm site anticipates delivery of 425-825 houses before the spine road is completed. If Lodge Farm were to remain in the local plan it would have to be delivered much later in the plan period than currently proposed,

to allow the spine road to be fully completed. If building were not to commence until 2026 at the earliest, this could result in much fewer houses being delivered on the Lodge Farm site within the plan period. If the spine road were not completed until 2031, then there could be no delivery on the Lodge Farm site at all within the plan period.

- **Flooding**

Whilst the proposed site area itself is in flood zone 1, large parts of the surrounding area, including the nearby villages of Grandborough and Willoughby, are in flood zone 3, and are part of the River Leam flood plain. The Lodge Farm development has the potential to increase flood risk in surrounding villages and roads due to the fact that the land currently acts to soak up a large amount of surface water, particularly during the winter months and building over this land will inevitably reduce its capacity to soak up surface water. Even with a commitment for a sustainable drainage system from the developer there is still a significant risk that additional run off from the site into the River Leam and the Rainsbrook will cause back up in the River Leam and make flooding in the surrounding areas worse. No site specific flood risk assessment has been carried out. This should have been done prior to proposing the site for allocation, with particular focus on the impact of the site on the increased flood risk to the surrounding flood zone 3 areas. This is also in breach of paragraph 100 of the NPPF.

- **Sustainability Appraisal**

The Sustainability Appraisal (SA) which was carried out claims that Lodge Farm is sustainable development. However this is based on a number of questionable scores in relation to the sustainability objectives. Some examples are as follows:

SA1 Reduce and eliminate poverty – the SA gives this a minor positive score on the basis that there will be broadband at the Lodge Farm site. The fact that the site is far from Rugby town centre and several miles from the nearest main rural settlement at Dunchurch, and with little infrastructure would suggest the opposite in that it would be isolating for the community and broadband alone is unlikely to help to reduce and eliminate poverty in these circumstances.

SA2 Access to Services, Leisure and Culture – the SA allocates a significant positive score for this objective on the basis that there will be a primary school on site – there is no proposal for leisure or cultural facilities. This seems insufficient to justify a positive score when residents will be required to travel by car (as there is limited public transport provision) into Rugby or elsewhere to access all services. Whilst a site for a GP service is promised there is no means of ensuring that this will happen as it is reliant on a GP being willing to set up a practice at the site.

SA6 Provide a strong, stable and sustainable local economy – the SA allocates a minor positive score for this objective on the basis that *“the site is located directly adjacent to two existing bus stops on Daventry Road...This will ensure that residents are able to access employment opportunities elsewhere, including people without a car”*. The bus service only runs 4 times a day and no other public transport infrastructure provision is apparent in the plan for this area, meaning people would have to drive to employment sites. In addition, there are few employment sites in the near vicinity meaning longer commuting journeys with resultant higher emissions to reach places of employment.

SA11 Reduce the Borough’s contribution to climate change – the SA allocates a minor positive score on the basis of the two bus stops referred to above and a cycle network (within the Lodge Farm site itself and not on the wider road network). On the basis that there are no on site services to be delivered during the plan period (save possibly a school) and that residents would be forced to drive to access either employment or services (driving up emissions as a result), a significant negative score would seem more appropriate for this objective.

SA12 Avoid, reduce and manage flood risk – the SA allocates an uncertain minor negative on the basis that the site is in Flood zone 1 however it recognizes that *“the loss of permeable surfaces could reduce rates of infiltration and increase run off”*. As raised above, many parts of the immediate surrounding area are in flood zone 3 and there is a serious risk that a development at Lodge Farm would significantly increase flood risk to the surrounding settlements.

- **Lack of infrastructure**

The DS10 Lodge Farm development is proposed for an area which has minimal infrastructure and the local plan does not propose any additional infrastructure (other than the South West Rugby Spine Road which, as explained above, will not take all traffic away from the Dunchurch crossroads and other surrounding roads). High speed broadband is not yet enabled in that part of the borough and there is limited mobile reception in the area. Local residents struggle to get places for their children in Rugby's secondary schools, particularly as Leam Valley is on the very edges of the catchment boundaries. There are no plans for additional secondary schools for Lodge Farm. Local doctors surgeries (the nearest in Dunchurch) are oversubscribed and local dentists also have long waiting lists. The nearest hospitals, Coventry and St Cross in Rugby are far away and hard to access, being on opposite sides of the borough from the proposed site.

- **Landscape and Ecology**

No landscape assessment for the site has been carried out and no detailed information on ecology has been provided – in spite of the site being part of a nationally significant migration corridor for birds. The site proposed for DS10 is contrary to the surrounding landscape character (which is open and rural in nature). Such a large development in this location would have a major impact on the character of the area and would be difficult to mitigate. The site would be vulnerable to infill and expansion beyond 1,500 houses particularly in view of the policy on garden villages being capable of expansion and additional sites adjacent to Lodge Farm being put forward by landowners. Policy GP2 puts development in open countryside second from bottom of the settlement hierarchy and “*only where national policy on countryside locations allows will development be permitted*”. The proposals for Lodge Farm are contrary to the presumption of sustainable development in the NPPF. The DS10 site is not fully justified, insufficient evidence for its inclusion has been put forward and it is not the most appropriate site, as there are better alternatives available (see below).

## **6. Changes to the Local Plan**

It is requested that Lodge Farm (policy DS10) be removed from the Local Plan. If, subject to provision of evidence to justify the OAN figures, a further 1,500 homes are required to be allocated in the plan period then the site known as “land south of Walsgrave Hill Farm” (included at page 20 of the December 2015 Preferred Option Draft Local Plan) should be reinstated to the Local Plan to replace DS10.

The site for 1,500 houses on the Coventry Urban Edge “Land South of Walsgrave Hill Farm” which was proposed in the previous draft Local Plan, whilst situated on greenbelt land, was justified for inclusion on the basis that it met the unmet housing need of Coventry City. In addition, the Walsgrave site offers a more sustainable alternative than DS10 (Lodge Farm) as it is close to existing infrastructure (M6, A46 and key employment sites) and also to Coventry City itself and to Coventry hospital.

The Walsgrave site was removed from this latest draft of the local plan by Rugby Borough Council on the basis that the Lodge Farm site came forward and that Lodge Farm offers a suitable, available and achievable option. However, those assumptions are questioned as set out above on the basis that Lodge Farm is not sustainable and not deliverable and insufficient evidence has been provided to justify its inclusion.

It should also be noted that of the 284 responses to the public consultation on the December 2015 Local Plan Preferred Options (which closed in February 2016), there were only 9 objections to the inclusion of the Walsgrave site, balanced against 9 responses in support of the Walsgrave site (including Coventry City Council and the Coventry and Warwickshire Chamber of Commerce). This was in contrast to over 80 responses objecting to the plans for 5,000 houses to the South West of Rugby (policies DS8 and DS9). The significant levels of public opposition to Lodge Farm (a petition of 1,667 petitions has been submitted and a significant number of objections as part of the current public consultation process) need to be balanced against the minimal objections made to the Walsgrave site and the fact that it is next to Coventry's urban boundary and therefore a far more sustainable location for siting housing which will satisfy Coventry's unmet housing need and in accordance with the Memorandum of Understanding.

## **7. Policy SDC5 – Flood Risk Management**

The Environment Agency responded to the previous draft local plan consultation and proposed a number of amendments (both to the above draft policy and also to other policies in the draft local plan). It is noted that a number of these amendments do not appear to have been adopted and this should be reviewed. It would

benefit the local communities living in areas affected by flooding if all of the Environment Agency recommendations are added to the next draft of the Local Plan. In addition, the lead local flood authority (Warwickshire County Council) should be asked to input into the policies, as recommended by the Environment Agency.

Please note that I consider it necessary to participate at the oral part of the examination. As the sole elected Rugby Borough councillor for Leam Valley ward where there is a significant degree of opposition to policy DS10 – Lodge Farm – I wish to make representations on behalf of my constituents regarding concerns that the plan – and policy DS10 in particular - is unsound.

Please also note that I wish to be notified of the submission of the Local plan for independent examination, the publication of the recommendations of the Inspector and the adoption of the Local Plan.

I reserve the right to make further representations or to add to the representations I have already made in the event that a further consultation period should take place on the Local Plan.

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