

Cabinet  
Council

3<sup>rd</sup> January 2017  
24<sup>th</sup> January 2017

**Name of Cabinet Member:**

Cabinet Member for Community Development – Councillor Bigham

**Director Approving Submission of the report:**

Executive Director Place

**Ward(s) affected:**

All

**Title:**

Rugby Borough Council New Local Plan – Publication Draft

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**Is this a key decision?**

Yes.

There are no specific aspects of the Publication Draft of the Rugby Borough Council (RBC) Local Plan that impact on any of the city's adjoining eastern wards (Henley, Wyken and Binley and Willenhall).

Notwithstanding, the development proposals contained within the plan and its commitment to support the delivery of a proportion of Coventry's unmet needs (for housing and employment) mean there is a relationship between the Borough Plan and the city as a whole. This includes the legal 'Duty to Cooperate' as set out in the Planning and Compulsory Purchase Act 2004.

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**Executive Summary:**

Rugby Borough Council (RBC) published their plan for a period of representations on the 26<sup>th</sup> September 2016. This ran for 6 weeks until the 11<sup>th</sup> November 2016 in accordance with national Regulations relating to the submission of Local Plans. Given the timescales involved, officers have submitted an officer representation to RBC to ensure initial comments have been provided. It is this representation that is attached as Appendix 1 and is presented to members for their endorsement or amendment.

Subsequent to these actions, Rugby Borough Council has opted to re-run their consultation process recommencing on the 30<sup>th</sup> November 2016 until the 11<sup>th</sup> January 2017. Whilst an officer response has already been provided within the original timescale, the recommendations to Cabinet and Council remain unchanged.

The Local Plan sets out the intended development proposals for Rugby Borough to 2031. Subject to the received representations, RBC intends to submit the plan to the Secretary of State in early 2017.

The response has been prepared on behalf of the Council in its role as Local Planning Authority and seeks political endorsement for Coventry's response to RBC at this important stage of its plan's development. The key points proposed as part of this report relate to:

- The RBC Local Plan identifies the sites at Pro-Logis Ryton and Ansty Park as strategic employment sites and supports their completion within the Plan period (2011-2031). This reflects the Employment Land MOU endorsed by this Council in October 2016.
- The RBC Local Plan identifies sites for approximately 2,800 homes towards Coventry's unmet housing needs. This is in addition to the Borough Council planning positively for its own Objectively Assessed Needs.
- The RBC Local Plan applies a development strategy and settlement hierarchy that focuses growth on Rugby town, supported by a series of small developments around its satellite villages and a new town at Lodge Farm (southeast of Rugby). The RBC Local Plan does not consider the edge of Coventry within its settlement hierarchy and makes no residential development proposals on the city's eastern boundary – although this had been proposed in the previous version of the Plan.
- The reasons for excluding the proposed development on the city's eastern boundary (at Walsgrave Hill Farm south of Ansty Park) remain unclear. The response at Appendix 1 requests such clarification.
- Lastly, a small area of land at Junction 2 of the M6 is proposed to be removed from existing Green Belt designation. This land is not proposed for any development however and reflects the fact the land in question is heavily influenced by highway infrastructure and does not support the purposes of Green Belt policy.

### **Recommendations:**

The Cabinet is requested to:

- 1) Recommend that the Council endorse the officer representations to Rugby Borough Council's New Local Plan – Publication Draft, as set out at Appendix 1 (with or without amendment as necessary).

The Council is recommended to:

- 1) Endorse the officer representation to Rugby Borough Council's New Local Plan – Publication Draft (as amended by Cabinet where necessary), as set out at Appendix 1.

### **List of Appendices included:**

Appendix 1: Proposed representation to the Rugby Borough Council New Local Plan – Publication Draft consultation.

### **Background papers**

None

### **Other useful documents:**

- The Coventry and Warwickshire Housing Requirements MOU – as considered by this Council is available to download at:  
<http://democraticservices.coventry.gov.uk/ieListDocuments.aspx?CId=130&MId=10701&Ver=4> (item 109 on the agenda)

- The Coventry and Warwickshire Employment Land MOU – as considered by this Council is available to download at:  
<http://democraticservices.coventry.gov.uk/ieListDocuments.aspx?CId=130&MId=11139&Ver=4> (item 8 on the agenda)

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

Yes, 24<sup>th</sup> January 2017

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**Report title:** Rugby Borough Council New Local Plan – Publication Draft

**1. Context (or Background)**

- 1.1 Rugby Borough Council (RBC) published their plan for a period of representations on the 26<sup>th</sup> September 2016. This ran for 6 weeks until the 11<sup>th</sup> November 2016 in accordance with national Regulations relating to the submission of Local Plans. Given the timescales involved, officers have submitted an officer representation to RBC to ensure initial comments have been provided. It is this representation that is attached to Appendix 1 and is presented to members for their endorsement or amendment.
- 1.2 Subsequent to these actions, RBC has opted to re-run their consultation process recommencing on the 30<sup>th</sup> November 2016 until the 11<sup>th</sup> January 2017. Whilst an officer response has already been provided within the original timescale, the recommendations to Cabinet and Council remain unchanged.
- 1.3 This Plan will supersede the adopted Core Strategy for Rugby Borough from 2009 and seeks to respond to the changes in development needs across Rugby and the Coventry and Warwickshire sub-region. Preparation of the plan commenced in 2013 and has been subject to 2 previous periods of consultation.
- 1.4 The Local Plan sets out the intended development proposals for Rugby Borough to 2031. Subject to the received representations, RBC intends to submit the plan to the Secretary of State in early 2017. It will then be subject to a period of independent public examination prior to its potential adoption. This would most likely occur in early 2018.
- 1.5 The response has been prepared on behalf of the Council in its role as Local Planning Authority and seeks political endorsement for Coventry's response to RBC at this important stage of its plan's development. It should also be noted that the development of the RBC Local Plan has implications for Coventry's Local Plan given our shared interest around the employment sites at Ansty Park and Pro-Logis Ryton and our relationships in terms of the Local Enterprise Partnership (LEP), Strategic Economic Plan (SEP) and City Deal. The key points proposed as part of this report relate to:
  - The RBC Local Plan identifies the sites at Pro-Logis Ryton and Ansty Park as strategic employment sites and supports their completion within the Plan period (2011-2031). This reflects the Employment Land MOU endorsed by this Council in October 2016. Together the sites provide for 98ha of employment land of which 53ha remains undeveloped or under construction. Although both sites sit within Rugby Borough there has been a long standing view that given their connection to Coventry they support the city's wider employment land needs. This was originally recognised through the Regional Spatial Strategy documents of the 1990's and 2000's.
  - The RBC Local Plan identifies sites for approximately 2,800 homes towards Coventry's unmet housing needs. This is in addition to the Borough Council planning positively for its own Objectively Assessed Needs. In total therefore the RBC Local Plan makes provision for approximately 3,650 new homes across the Borough.
  - The RBC Local Plan applies a development strategy and settlement hierarchy that focuses growth on Rugby town, supported by a series of small developments around its satellite villages and a new town at Lodge Farm (southeast of Rugby). The RBC Local Plan does not consider the edge of Coventry within its settlement hierarchy and makes no residential development proposals on the city's eastern boundary – although this had been proposed in the previous version of the Plan.

- The reasons for excluding the proposed development on the city's eastern boundary (at Walsgrave Hill Farm south of Ansty Park) remain unclear. The response at Appendix 1 requests such clarification.
- Although the city council have acknowledged through the Housing Requirements MOU (endorsed by this Council in January 2016) that it cannot seek to influence where its unmet need is planned for within a neighbouring authority, we do highlight in our proposed response the significant opportunities and benefits development on the city's eastern boundary could bring. This includes infrastructure benefits to the University Hospital and to highway junction upgrades on the A46. Such a location would also support the longer term expansion of Ansty Park supporting the ambitions of the CWLEP and providing jobs for local people. It is also important to note that our own emerging Local Plan is supportive in principle of developments adjacent to the city's administrative boundary where it is supported by appropriate infrastructure.
- Lastly, a small area of land at Junction 2 of the M6 is proposed to be removed from existing Green Belt designation. This land is not proposed for any development however and reflects the fact the land in question is heavily influenced by highway infrastructure and does not support the purposes of Green Belt policy. The removal of this land from the Green Belt has, in part at least, been informed by the Joint Coventry and Warwickshire Green Belt review (2015).

1.6 Section 33A of the Planning and Compulsory Purchase Act 2004 (as introduced by the Localism Act 2011) establishes the 'Duty to Cooperate' and requires local authorities to engage constructively, actively and on an ongoing basis when developing their local plans and the evidence to support them. The 'duty' cannot be met retrospectively and cannot continue to be discharged in relation to this aspect of the RBC plan once it has been submitted to the Secretary of State. As such, RBC and CCC have sought to discharge their respective responsibilities in relation to this 'duty' through numerous areas of joint working. Of most relevance to this report are work on the Coventry and Warwickshire Housing and Employment MOU's and joint evidence around the Green Belt and housing needs.

1.7 Having regard to this joint work and cooperation officers are satisfied that RBC have discharged their responsibilities in terms of the 'duty', as far as they relate to CCC with regards their Local Plan. This also includes a firm commitment to supporting on-going cooperation to support sustainable development across Coventry and Warwickshire.

## **2. Options considered and recommended proposal**

2.1 There are two realistic options available. The first of these is to remain silent; this was rejected on two grounds. Firstly, because it is in the Council's interests to formally express its views on a plan containing development proposals within a neighbouring authority and that support the delivery of the city's housing and employment needs. Secondly, because the Council needs to undertake active and constructive cooperation through the Duty to Cooperate, especially in relation to how RBC's Local Plan will relate to the delivery of Coventry's own Local Plan.

2.2 The second option, which is recommended, is to formally respond in broad support of RBC's proposed Local Plan in accordance with the Duty to Cooperate. The Duty to Cooperate is not confined to housing issues but also relates to other strategic matters including employment, significant infrastructure schemes such as road and rail, and other cross boundary matters. This is also reflected in the officer response.

### **3. Results of consultation undertaken**

- 3.1 There has been no consultation undertaken by Coventry City Council with respect to this report, but the Council has responded to each of Rugby Borough's Local Plan consultations.

### **4. Timetable for implementing this decision**

- 4.1 The deadline for responses to the consultation was Friday 11<sup>th</sup> November 2016. Due to the timing of Cabinet and Council meetings and the overlapping of the consultation period with our own Local Plan examinations, a 'holding' response was sent to RBC prior to this deadline and within the timeframe allowed by the statutory period of consultation.
- 4.2 Further correspondence will then be sent to RBC following the Council meeting on the 24<sup>th</sup> January 2017 to confirm or amend the Council's response.

### **5. Comments from the Executive Director, Resources**

#### **5.1 Financial implications**

There are no known direct costs for the Council directly associated with this consultation or the recommendations in this report.

#### **5.2 Legal implications**

It is considered that responding to this consultation will assist both Rugby Borough and Coventry City Councils to demonstrate compliance with the Duty to Cooperate, as set out in Section 33A of the Planning and Compulsory Purchase Act 2004 (as introduced by the Localism Act 2011), associated regulations, and the National Planning Policy Framework 2012.

### **6. Other implications**

#### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The Rugby Local Plan will contribute to a number of the City Council's core aims as follows:

- A prosperous Coventry. The RBC Local Plan highlights the strategic importance of Pro-Logis Park, Ryton and Ansty Park that are both in close proximity to the Coventry boundary. Such proposals will support economic growth, job creation and investment in infrastructure that will have a positive impact on Coventry's prosperity.
- Providing a good choice of housing. The RBC Local Plan supports the delivery of unmet housing needs from Coventry. This is to be delivered across a range of potential sites offering a choice that can be expected to be available to local people throughout the area; and
- Improving the environment and tackling climate change. The RBC Local Plan focuses new development in accessible and sustainable locations that minimises the need to travel.

## **6.2 How is risk being managed?**

The key risk associated with the proposal is concerned with technicalities around the Duty to Cooperate. In particular, this relates to the need to maintain an opportunity to work with RBC in the future to ensure the successful delivery of both of our Plans

Notwithstanding, officers believe that the policies contained within the RBC Local Plan are effective and will offer a sound basis for constructive and on-going cooperation between RBC and CCC in the future.

By responding in support of the RBC Local Plan, it is considered that the Council would be acting appropriately in terms of its own responsibilities under the Duty to Cooperate, helping to give both the Coventry and Rugby Local Plans the best chance of discharging the 'duty' and progressing to adoption.

## **6.3 What is the impact on the organisation?**

No direct impact.

## **6.4 Equalities / EIA**

It is Rugby Borough Council's responsibility to complete an Equality Impact Assessment to inform its own Local Plan.

Notwithstanding, there are likely to be significant economic and social benefits to the city through the development of new employment opportunities adjacent to the city boundary.

## **6.5 Implications for (or impact on) the environment**

The Rugby Local Plan will be accompanied by a Sustainability Appraisal, in accordance with relevant regulations, that will assess the environmental implications of the Publication Draft.

## **6.6 Implications for partner organisations?**

The recommended response to the consultation that appears at Appendix 1 broadly supports the proposals made in the RBC Local Plan Publication Draft (September 2016). There are no implications for partner organisations that cannot be mitigated or managed through the supporting work already undertaken by RBC and through on-going cooperation between CCC and RBC.



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## Appendices