



26 September 2019

## CABINET – 7 OCTOBER 2019

A meeting of Cabinet will be held at 6.00pm on Monday 7 October 2019 in the Council Chamber, Town Hall, Rugby.

Adam Norburn  
Executive Director

### A G E N D A

#### PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the meeting held on 2 September 2019.

2. Apologies.

To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

***Note: Members are reminded that they should declare the existence and nature of their interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a prejudicial interest, the Member must withdraw from the room unless one of the exceptions applies.***

***Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.***

4. Question Time.

Notice of questions from the public should be delivered in writing, by fax or e-mail to the Executive Director at least three clear working days prior to the meeting (no later than Tuesday 1 October 2019).

**Growth and Investment Portfolio**

- 5. Public consultation on the South West Rugby Supplementary Planning document.
- 6. Willoughby Neighbourhood Development Plan Examination Report and Approval for referendum.

**Corporate Resources Portfolio**

- 7. Initial Review of General Fund Budget 2019/20.

**Communities and Homes Portfolio**

Nothing to report to this meeting.

**Environment and Public Realm Portfolio**

- 8. Amendment to Civil Penalties Policy for Private Sector Housing.

**The following item contains reports which are to be considered en bloc subject to any Portfolio Holder requesting discussion of an individual report**

Nothing to report to this meeting.

**PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be transacted.

***Any additional papers for this meeting can be accessed via the website.***

The Reports of Officers (Ref. CAB 2019/20 – 4) are attached.

**Membership of Cabinet:**

Councillors Lowe (Chairman), Mrs Crane, Poole, Roberts, Ms Robbins and Mrs Simpson-Vince.

**CALL- IN PROCEDURES**

*Publication of the decisions made at this meeting will normally be within three working days of the decision. Each decision will come into force at the expiry of five working days after its publication. This does not apply to decisions made to take immediate effect. Call-in procedures are set out in detail in Standing Order 15 of Part 3c of the Constitution.*

***If you have any general queries with regard to this agenda please contact Claire Waleczek, Democratic Services Team Leader (01788 533524 or e-mail [claire.waleczek@rugby.gov.uk](mailto:claire.waleczek@rugby.gov.uk)). Any specific queries concerning reports should be directed to the listed contact officer.***

*If you wish to attend the meeting and have any special requirements for access please contact the Democratic Services Officer named above.*

***AGENDA MANAGEMENT SHEET***

<b>Report Title:</b>	Public consultation on the South West Rugby Supplementary Planning Document
<b>Name of Committee:</b>	Cabinet
<b>Date of Meeting:</b>	7 October 2019
<b>Report Director:</b>	Head of Growth and Investment
<b>Portfolio:</b>	Growth and Investment
<b>Ward Relevance:</b>	Dunsmore, but will also impact on the wards of Admirals & Cawston and Bilton
<b>Prior Consultation:</b>	Internal  Informal consultation with the consortium of developers and landowners with interests in the South West Rugby allocation  Informal consultation with key stakeholders at Warwickshire County Council, including highways, education and ecology.  Preliminary discussions with the Care Commissioning Trust, NHS, Highways England, Warwickshire Wildlife Trust, Natural England and Historic England.
<b>Contact Officer:</b>	Peter Heath, Principal Planning Officer 01788 533735 peter.heath@rugby.gov.uk
<b>Public or Private:</b>	Public
<b>Report Subject to Call-In:</b>	Yes
<b>Report En-Bloc:</b>	No
<b>Forward Plan:</b>	No
<b>Corporate Priorities:</b>	This report relates to the following priority(ies):
<b>(CR) Corporate Resources</b>	<input type="checkbox"/> To provide excellent, value for money services and sustainable growth
<b>(CH) Communities and Homes</b>	<input type="checkbox"/> Achieve financial self-sufficiency by 2020
<b>(EPR) Environment and Public Realm</b>	<input type="checkbox"/> Enable our residents to live healthy, independent lives
<b>(GI) Growth and Investment</b>	<input type="checkbox"/> Optimise income and identify new revenue opportunities (CR)

- Prioritise use of resources to meet changing customer needs and demands (CR)
- Ensure that the council works efficiently and effectively (CR)
- Ensure residents have a home that works for them and is affordable (CH)
- Deliver digitally-enabled services that residents can access (CH)
- Understand our communities and enable people to take an active part in them (CH)
- Enhance our local, open spaces to make them places where people want to be (EPR)
- Continue to improve the efficiency of our waste and recycling services (EPR)
- Protect the public (EPR)
- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)
- This report does not specifically relate to any Council priorities but

**Statutory/Policy Background:**

Rugby Borough Council Local Plan 2011-2031 (adopted June 2019), contains Policies DS8 and DS9 which specifically relate to the need for a supplementary planning document to guide the development of this allocation at South West Rugby allocation and the associated spine road network.

**Summary:**

The report recommends that Cabinet approve taking the South West Rugby Supplementary Planning Document out to public consultation for a period of six weeks.

Further, the report recommends that Cabinet give delegated authority to the Head of Growth and Investment to make any necessary amendments to the current draft of the South West Rugby Supplementary Planning Document (as appended to this report as Appendix 1) following completion of the viability testing work and the pre-consultation legal review of the South West Rugby Supplementary Planning Document.

**Financial Implications:**

Publicly consulting on the South West Rugby Supplementary Planning Document does not have any direct financial implications, beyond the costs associated with running the consultation

and dealing with the responses received. In line with the Council's move towards digitalization, the consultation will be run electronically where possible which brings with it an additional cost saving.

Following this consultation, the South West Rugby Supplementary Planning Document will be adopted and the Council will be able to ensure the comprehensive delivery of the South West Rugby allocation in line with the Rugby Borough Council Local Plan 2011-2031. This will lead to earlier delivery of homes across the allocation, earlier delivery of planning obligations (including on-site infrastructure and section 106 contributions) and ultimately earlier receipt of Council Tax payments from the new residents.

**Risk Management Implications:** The SPD can only be used to help determine planning applications once it is adopted. Therefore undertaking public consultation sooner will enable the Council to adopt the SPD sooner to ensure that planning applications for the site, some of which are already being considered by officers, make the appropriate contributions to infrastructure.

**Environmental Implications:** The South West Rugby Supplementary Planning Document sets out the requirements for open space and biodiversity enhancements required on-site. This includes protection for and on-going management of Cawston Spinney

In addition, the South West Rugby Supplementary Planning Document includes provisions relating to a buffer between South West Rugby and Dunchurch

A SEA Screening Opinion on the South West Rugby Supplementary Planning Document was undertaken in November '17 and concluded that a SEA was not required.

**Legal Implications:** The South West Rugby Supplementary Planning Document was required by the local plan Inspector and is specifically referred to in Policies DS8 and DS9 of the Rugby Borough Council Local Plan 2011-2031

As set out in the Planning and Compulsory Purchase Act 2004, any supplementary planning documents must be prepared in accordance with the Council's local development scheme and the Council's statement of community involvement. The Council's local development scheme was adopted in June 2019. The Council's statement of community involvement is due to be adopted at the end of September 2019.

Unlike the local plan, supplementary planning documents are not subject to independent examination, however the adoption of a supplementary planning document may be open to judicial review if the preparation, consultation and adoption are not carried out properly

Following the consultation, the Council can adopt the South West Rugby Supplementary Planning Document either as originally prepared or as modified to take account of any representations received or any other matter the Council considers relevant

As per the statement of community involvement, the South West Rugby Supplementary Planning Document must be adopted by a resolution of full Council

**Equality and Diversity:**

An Equality Impact Assessment on the South West Rugby Supplementary Planning Document was undertaken in September 2019 and will be reviewed prior to adoption

The Equality Impact Assessment is provided as Appendix 2 to this report

**Options:**

Option 1 – take the South West Rugby Supplementary Planning Document out to public consultation as set out in this report

Option 2 – delay taking the South West Rugby Supplementary Planning Document out to public consultation

Option 3 – do not take the South West Rugby Supplementary Planning Document out to public consultation

Option 2 would result in a delay of the delivery of homes, employment land and infrastructure across the South West Rugby allocation (up to

5,000 dwellings and 186,000 sq.m. of employment) and cause development to come forward in the interim over which the Council has limited control

Option 3 would result in the Council having limited control over the location of development within the allocation and no robust mechanism to ensure the delivery of, timing of, or location of the supporting necessary strategic infrastructure

Both Option 2 and Option 3 would result in a piecemeal and unsatisfactory development of the South West Rugby allocation and the risk of necessary supporting infrastructure not being provided

**Recommendation:**

- (1) The South West Rugby Supplementary Planning Document be approved to go out to public consultation for a period of six weeks; and
- (2) delegated authority be given to the Head of Growth and Investment to make any necessary amendments to the current draft of the South West Rugby Supplementary Planning Document (as at Appendix 1 to the report) following completion of the viability testing work and the pre-consultation legal review of the South West Rugby Supplementary Planning Document.

**Reasons for Recommendation:**

To ensure the timely adoption of the South West Rugby Supplementary Planning Document (following an appropriate period of public consultation, in line with the Council's local development scheme and statement of community involvement) to enable delivery of the South West Rugby allocation in accordance with Policies DS8 and DS9 of the Rugby Borough Council Local Plan 2011-2031.



**Cabinet - 7 October 2019**

**Public consultation on the South West Rugby Supplementary Planning Document**

**Public Report of the Head of Growth and Investment**

**Recommendation:**

- (1) The South West Rugby Supplementary Planning Document be approved to go out to public consultation for a period of six weeks; and
- (2) delegated authority be given to the Head of Growth and Investment to make any necessary amendments to the current draft of the South West Rugby Supplementary Planning Document (as at Appendix 1 to the report) following completion of the viability testing work and the pre-consultation legal review of the South West Rugby Supplementary Planning Document.

*Note: All appendices to this report will be sent out electronically only to Members.*

**1. INTRODUCTION**

- 1.1 Supplementary planning documents (“**SPDs**”) provide further detailed guidance on Local Plan policy topics such as large-scale allocations, affordable housing, sustainable design and construction, residential design guidance and planning obligations. SPDs do not form part of the local plan itself, however SPDs must not conflict with the adopted Local Plan (regulation 8(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012). SPDs are a material consideration when the Council is determining planning applications.
- 1.2 Before the Council can adopt an SPD, the SPD must be subject to a period of public consultation, the requirements of which are governed by a combination of statutory requirements and documents which have already been prepared and adopted by the Council.
- 1.3 SPDs must be prepared in accordance with the Council’s local development scheme (section 19(1) of the Planning and Compulsory Purchase Act 2004) and the Council’s statement of community involvement (section 19(3) of the Planning and Compulsory Purchase Act 2004). The statement of community involvement is a document which sets out the Council’s policy for consulting and engaging with individuals, communities and other stakeholders for a range of planning matters.

- 1.4 Before an SPD is adopted, the Council must prepare a consultation statement setting out:
- a) Who was consulted when the SPD was prepared.
  - b) A summary of the main issues raised by those persons.
  - c) How those issues have been addressed in the SPD.
- 1.5 The Council must make copies of the consultation statement available together with details of:
- a) The date by which representations must be made (the date must not be less than four weeks from the date the Council publishes the consultation statement).
  - b) Where the representations must be sent.
- 1.6 Any person can make representations about an SPD. The representations must be received by the Council by the date it specifies. A consultation strategy is attached as Appendix 3. This provides more information on what consultation will involve.
- 1.7 These consultation requirements are set out in Regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.8 Unlike the local plan, SPDs are not subject to independent examination. Once the consultation has been completed, the Council can adopt an SPD either as originally prepared or as modified to take account of:
- a) Any representations received.
  - b) Any other matter the Council considers relevant.
- 1.9 It is important to note that as per the statement of community involvement, an SPD must be adopted by resolution of full Council.
- 1.10 Once adopted, the Planning and Compulsory Purchase Act 2004, requires that SPDs are kept under review having regard to any of the following matters:
- a) The principal physical, economic, social and environmental characteristics of the area of the Council.
  - b) The principal purposes for which land is used in the area.
  - c) The size, composition and distribution of the population of the area.
  - d) The communications, transport system and traffic of the area.
  - e) Any other considerations which may be expected to affect those matters.
  - f) Such other matters as may be prescribed or as the Secretary of State (in a particular case) may direct.
  - g) Any changes which the Council think may occur in relation to any other matter.

- h) The effect such changes are likely to have on the development of the Council's area or on the planning of such development.

1.11 An SPD can be revised at any time, however the Council must revise an SPD if required by the Secretary of State.

1.12 Therefore, this report seeks Cabinet approval to take the South West Rugby SPD (Appendix 1) out to public consultation.

## 2. BACKGROUND

2.1 The Rugby Borough Council Local Plan 2011-2031 (adopted June 2019) (the "**Local Plan**") in Policy DS1 commits the Council to providing 12,400 dwellings and 208 hectares of employment land over the plan period - 2011-2031. The South West Rugby allocation (detailed in Policy DS8) provides for around 5,000 dwellings (40% of the total dwellings) and 35 hectares of employment (17% of the total employment). In addition, Policies DS8 and DS9 specifically reference a separate SPD in relation to the South West Rugby allocation, which is intended to guide the delivery of this allocation and elaborate on the requirements of Policies DS8 and DS9.

2.2 It is essential that this allocation is successfully delivered as it is an important component in the Local Plan's overall strategy and is critical to the Council in achieving the Local Plan targets. Failure to deliver housing on those sites allocated in the Local Plan may lead to speculative planning applications being submitted in less sustainable locations or locations which have additional sensitivities or limitations on development.

2.3 The South West Rugby allocation was debated at length at the Local Plan's examination in public and discussed at length in the Inspector's Report (paragraphs 103-126). Having examined the issues around this allocation, the Inspector concludes in paragraph 126 that the allocation here *"is fully justified as part of the development strategy to meet the development needs of the plan...the site would make a useful contribution to the borough's 5 year housing land supply.... I am satisfied that the site would be developable over the plan period and enable the delivery of sustainable development consistent with national policy."*

2.4 The South West Rugby SPD is therefore needed for a number of reasons:

- a) It was recommended by the Inspector to ensure Policies DS8 and DS9 were delivered as a whole and not in a piecemeal fashion.
- b) The allocation is in multiple ownerships and requires an overarching document setting out a consistent approach to infrastructure provision over the entire allocation.
- c) In his report the Inspector (paragraph 123) placed great emphasis on the point in paragraph b) and went on to state, *"Accordingly, a comprehensive approach will be necessary to ensure the delivery of*

*infrastructure, services and facilities to support the site as a whole. The Masterplan SPD will provide the framework for a comprehensive and integrated approach to the development of the site...”.*

- 2.5 The allocation is largely open countryside so lacks the necessary infrastructure to support the level of development envisaged by the Local Plan. The South West Rugby SPD is needed to ensure that there is sufficient guidance on the required infrastructure to support the anticipated level of development on this site and ensure it is appropriately phased over the life of the development, in accordance with the Local Plan. This will also ensure that the allocation is delivered in a comprehensive manner. To assist in achieving these aims, the South West Rugby SPD specifically requires allocation wide documents are prepared by the landowners and submitted to the Council for approval, which individual planning applications will then need to accord with.
- 2.6 The South West Rugby SPD covers a range of matters (as required by Policy DS8), such as the size of the buffer between Dunchurch and Rugby, and acceptable uses within it, including the spine road network, the need for both green infrastructure, blue infrastructure and open space across the allocation as well as the need for schools, healthcare provision, a new fire and rescue station and on-site police provision to cater for the new population. All of these will be phased through the life of the development.
- 2.7 The South West Rugby SPD sets out the infrastructure that is considered to be strategic infrastructure required for the whole allocation. This strategic infrastructure will be predominantly funded through a tariff-based contribution, expressed as a formula consisting of £ per square metre of development, with different tariff rates set for residential uses, employment uses and other identified uses,. The tariff rates have been set by reference to the current estimated costs of the strategic infrastructure and below the level which is considered likely to be viable - therefore each developer/landowner will also be required to make an additional contribution or works in kind contribution which will be negotiated with the local planning authority, to ensure the costs of the strategic infrastructure are fully met and subject to a review of the viability of the relevant development. Both the tariff and the additional contribution will be secured by way of a section 106 agreement for each planning application. There will also be a balancing payment or refund mechanism in the section 106 agreement, to allow for the fact that the final costs of the strategic infrastructure may not be known at the time the section 106 agreement is entered into – although this additional balancing payment/refund will be subject to a cap set at 10% of what has already been paid. In addition to payment of the tariff, developers/landowners will be expected to meet other policy requirements such as affordable housing and deliver local on-site infrastructure and/or deal with other on-site costs as part of its planning application – such requirements may be secured via section 106 agreements or planning conditions.
- 2.8 The Council has instructed costs and viability work to be undertaken to ensure that the total requirement of infrastructure has been robustly costed and to ensure that the infrastructure requirements of the South West Rugby SPD, i.e. the tariff rates, do not lead to the development of the allocation being unviable. As explained above the tariff rates have been set at a level below that which is

considered to be viable and for that reason an additional contribution (or works in kind contribution) will also be required and there is a balancing mechanism to allow for later adjustment once the final costs of the strategic infrastructure are known.

- 2.9 The tariff rates are subject to completion of viability testing work being done by BNP Paribas which is expected to confirm that the residential and employment tariff rates are viable, but a lower rate may need to be set for other identified uses. It is therefore recommended that Cabinet give delegation to the Head of Growth and Investment to make any necessary amendments following the completion of the viability testing work of the South West Rugby Supplementary Planning Document
- 2.10 As noted above, SPDs should build upon and provide more detailed advice or guidance on policies in an adopted local plan. The Council is already in receipt of planning applications for part of the allocation covered by policy DS8 and it is therefore imperative that the South West Rugby SPD is progressed and adopted as a priority. This will enable the Council to determine those planning applications against the guidance in the South West Rugby SPD, negotiate the section 106 agreements to secure the payment of the appropriate tariff rate and other required obligations in order to begin granting planning permissions as soon as possible.
- 2.11 The allocation contains onsite woodland assets, most notably Cawston Spinney which includes a large area of ancient woodland. In line with the requirements of Policy DS8, the South West Rugby SPD advises developers on how to plan their developments in a way that prevents harm to the woodland and more specifically to prevent loss or deterioration of the ancient woodland within the allocation. The South West Rugby SPD also includes a Woodland Management Strategy as an appendix, as required by Policy DS8 of the Local Plan, to ensure the on-going protection and management of Cawston Spinney.
- 2.12 Finally, Policy DS9 is clear that the on-site spine road network must be delivered as early as possible to mitigate against the impacts the development will have on the existing highway network.
- 2.13 The traffic modelling evidence to support the Local Plan considered different alignments of the spine road network in the context of all of the Local Plan growth to establish which would deliver the mitigation of Dunchurch crossroads the most efficiently and effectively. The updated modelling concluded that the revised spine road network which includes a connection to the Coventry Road, (B4429), provides the best mitigation. Modelling the delivery of the spine road network saw a significant reduction in the traffic going through the Dunchurch crossroads and the spine road network could be delivered earlier in the plan period than other potential schemes.
- 2.14 The South West Rugby SPD highlights, at a number of points, the need for the early provision of the spine road network, particularly the Homestead Link, to relieve the pressure on the Dunchurch crossroads. The SPD makes it clear that Grampian conditions may be used to prevent occupation of relevant phases of the development in advance of the necessary strategic infrastructure being in

place and/or developers may be permitted to construct infrastructure "in kind" with a commensurate reduction in the tariff based contribution.

### **3. EQUALITIES IMPACT ASSESSMENT**

- 3.1 The Equalities Impact Assessment (Appendix 2) shows no negative impacts on any of the people who share a protected characteristic.
- 3.2 Through the increased provision of housing, the employment opportunities and/or the community and social facilities envisaged, the South West Rugby allocation may have a positive impact on those people who share a protected characteristic.

### **4. CONSULTATION**

- 4.1 Planning Services Working Party has been engaged during the production of the South West Rugby SPD and has considered a draft version of the South West Rugby SPD prior to this report being submitted to Cabinet.
- 4.2 Additionally, informal consultation has been undertaken with the consortium of developers and landowners with interests in the South West Rugby allocation and key stakeholders at Warwickshire County Council, including highways, education and biodiversity. This has informed, in particular, the tariff style approach that is contained within the South West Rugby SPD, as well as provisions relating to the spine road network and the buffer between the South West Rugby allocation and Dunchurch.
- 4.3 On-going legal reviews have been carried out by both internal and external lawyers during the preparation of the South West Rugby SPD. However, it is recommended that Cabinet give delegation to the Head of Growth and Investment to make any necessary amendments following the pre-consultation legal review of the South West Rugby Supplementary Planning Document.
- 4.4 In line with the Council's adopted Statement of Community Involvement, the public consultation on the South West Rugby SPD should be undertaken for a minimum period of four weeks, however in this instance we recommend a slightly longer consultation period of six weeks.
- 4.5 Alongside the South West Rugby SPD, a Strategic Environmental Assessment ("SEA") Screening Opinion has been produced. This SEA Screening Opinion is provided as an appendix to the South West Rugby SPD. As such, representations can also be made on the SEA Screening Opinion. Certain statutory bodies who are required to be consulted on the SEA Screening Opinion will be contacted directly.
- 4.6 In line with the Council's adopted Statement of Community Involvement a consultation strategy including details of who will be consulted, how they will be consulted and where copies of the South West Rugby SPD will be available,

will be published. The consultation strategy is provided as a background paper to this report.

- 4.7 Officers are planning to hold a briefing on the South West Rugby SPD for Councillors in the relevant and adjacent wards. Officers will also look to hold meetings with the appropriate Parish Councils and local interest groups and other relevant community groups.
- 4.8 In line with the adopted Statement of Community Involvement officers will be contacting those on the local plan consultation database who have asked to be kept informed of emerging SPDs.

## **5. NEXT STEPS**

- 5.1 Following the consultation, which is anticipated to close on Friday 22<sup>nd</sup> November, all of the representations received will be carefully considered carefully and, where appropriate, changes to the South West Rugby SPD will be made.
- 5.2 In line with the Council's statutory obligations, a consultation statement will be published. This will detail the consultation undertaken, a summary of the main issues raised and how these issues have been taken into account. This consultation statement will be published and will accompany a final version of the South West Rugby SPD which will be taken to full Council for adoption. It is currently anticipated that this will be in February 2020.

**Name of Meeting:** Cabinet

**Date of Meeting:** 7 October 2019

**Subject Matter:** Public consultation on the South West Rugby  
Supplementary Planning Document

**Originating Department:** Growth and Investment

**DO ANY BACKGROUND PAPERS APPLY**  **YES**  **NO**

**LIST OF BACKGROUND PAPERS**

<b>Doc No</b>	<b>Title of Document and Hyperlink</b>
1	Rugby Borough Council Adopted Local Plan 2011-2031 <a href="https://www.rugby.gov.uk/downloads/file/2319/local_plan_2011-31">https://www.rugby.gov.uk/downloads/file/2319/local_plan_2011-31</a>

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

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Exempt information is contained in the following documents:

<b>Doc No</b>	<b>Relevant Paragraph of Schedule 12A</b>





**Rugby Borough Council**  
**Draft South West Rugby**  
**Supplementary Planning Document**  
**Consultation Draft**

October 2019



## Consultation Draft

This Supplementary Planning Document is issued for a six week public consultation. The consultation begins on [**Tuesday 8<sup>th</sup>**] **October 2019** and runs for just over six weeks, closing at **5pm** on [**Friday 22<sup>nd</sup>**] **November 2019**.

Comments can be submitted by the on-line consultation form. This is the quickest and easiest to respond to the consultation and the Council's preferred approach. You can also email or post your responses if you would prefer. If you submit by email it is not necessary for you to submit a paper copy as well.

Please note, all comments will be available for public inspection.

### Either

#### Online form:

The online form can be found at XXXXXXXX

#### By email:

Comments should be sent to [LocalPlan@rugby.gov.uk](mailto:LocalPlan@rugby.gov.uk) with 'SW Rugby SPD Consultation' in the title box.

### Or

#### By post:

SW Rugby SPD Consultation  
Development Strategy,  
Rugby Borough Council,

Town Hall,

Evreux Way,

Rugby CV21 2RR

#### By 5pm [**Friday 22<sup>nd</sup>**] **November**

If you have any queries about this consultation please contact [peter.heath@rugby.gov.uk](mailto:peter.heath@rugby.gov.uk) or via 01788 533735.

To view the Council's privacy notice, please visit;

[https://www.rugby.gov.uk/info/20030/information\\_and\\_data/388/privacy/3](https://www.rugby.gov.uk/info/20030/information_and_data/388/privacy/3)

## Preface: Rugby Borough Local Plan

### Status of this document

0.1 The Rugby Borough Local Plan was adopted by Rugby Borough Council on the 4<sup>th</sup> June 2019. The Local Plan replaces the Core Strategy adopted in 2011 and other elements of the statutory Development Plan. The Local Plan outlines a strategic vision for Rugby Borough in response to the economic, social and environmental issues facing the area. Allocations and policies in the Local Plan direct development and support the growth of the Borough to 2031.

0.2 The adopted Rugby Local Plan forms part of the statutory Development Plan for Rugby Borough along with the Warwickshire Minerals and Waste Plans. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (as amended) planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

0.3 The adopted Local Plan allocates the South West Rugby urban extension for around 5,000 homes and 35 hectares of employment land. Policies DS3, DS8 and DS9 of the Local Plan set out the policy requirements for the South West Rugby allocation (see Appendix A of this document). This Supplementary Planning Document (SPD) builds upon the Local Plan policies, providing more detailed guidance to both interpret and implement the policies in the Local Plan that are relevant to this allocation. This SPD does not form part of the statutory Development Plan but is a material consideration in planning decisions. All the appendices annexed to this document form part of the SPD.

### SPD Timetable

0.4 The production of an SPD has a distinct consultation process which needs to be in compliance with its own separate regulations<sup>1</sup> and the Council's adopted Statement of Community Involvement. The South West Rugby allocation SPD has to be in accordance with the Local Plan and the National Planning Policy Framework, but it is not examined by an Inspector. A SPD can only be adopted once a Local Plan has been adopted. The table below shows the anticipated timetable to adoption of this SPD.

Stage	Date
Consultation	October – November '19
Consideration of Consultation Responses and SPD Changes	November '19 – January '20
Adoption of the SPD	February '20

0.5 There has already been substantial engagement between Rugby Borough and service delivery providers (Warwickshire County Council/the NHS/Health Commissioning Group etc.). There has been

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<sup>1</sup> [http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi\\_20120767\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_20120767_en.pdf)

a series of facilitated workshops between the council/Infrastructure Providers and the developers to inform the production of this SPD.

0.6 The locations for features are indicative and further information is provided in this SPD providing criteria for the location of features. Any application which differs from these indicative versions will be considered on its own merits as part of the assessment of the application against the policies of the adopted Local Plan. The masterplan is contained within Appendix E.

0.7 As noted above, this allocation is part of the adopted local plan for Rugby. The site allocation was tested through the Local Plan process and forms part of the adopted Local Plan. This consultation is not an opportunity to re-open the debate about the merits of this allocation and representations seeking to do this will not be considered.

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## 1. Introduction

1.1 This Supplementary Planning Document (SPD) relates to the South West Rugby allocation. It principally fulfils the requirements of Local Plan Policies DS3, DS8 and DS9 which require that proposals within the allocation must be built out comprehensively in accordance with the South West Rugby SPD.

1.2 Policies DS8 and DS9 are contained in Appendix A of this document and detail the policy requirements for the site. Policy DS8 allocates the site for around 5,000 dwellings and 35Ha of employment land and sets out requirements for ecological, physical and social infrastructure to deliver these amounts of development.

1.3 Given the multiple ownerships on-site the site is likely to be developed through multiple planning applications coming forward at different times. In these circumstances the need for comprehensive development is paramount. Policy DS8 is clear that development proposals within the site must be comprehensive and informed by this SPD and the Infrastructure Delivery Plan. Policy DS8 clearly states that the Council will not support ad hoc or piecemeal development which is contrary to the aim of the policy or inconsistent with this SPD. This SPD sets out specific requirements of the local planning authority, the local highway authority, the local education authority and health providers to ensure those submitting applications are clear about these requirements from the outset. The location of proposed infrastructure shown on maps is purely indicative and actual locations may vary as the result of detailed work that emerges through the development management process.

1.4 Policy DS9 allocates land to facilitate the full alignment of the South West Rugby spine road network to support and enable the South West Rugby allocation to develop comprehensively. Appendix B sets out other relevant adopted Local Plan policies that those bringing forward applications will have to have regard to. It is worth noting that this is not an exhaustive list. This document sets out expectations on master planning and infrastructure requirements to deliver the South West Rugby allocation. It sets the phasing and spatial distribution of land uses to realise the adopted policies of the Local Plan.

1.5 As required by DS8 this masterplan has been produced to guide comprehensive delivery of the site by laying out the indicative locations for open space, access, play areas, the school or schools, primary roads and other features. More specifically the masterplan identifies the location of the existing onsite asset of Cawston Spinney within the allocated site and also the indicative location of the spine road network as required by DS9 of the Local Plan. Appendix E to this SPD details those indicative locations. To achieve a sustainable pattern of development onsite services and facilities, such as the schools and the district centre, require a central and accessible location which is articulated in Appendix E. The masterplan approach required by DS8 and DS9 requires the site to be considered as a whole allocation rather than separate development sites – that is the purpose of this SPD.

1.6 This SPD has been developed iteratively, particularly in relation to phasing and infrastructure delivery. It has been developed in partnership with the site promoters, landowners and developers, service providers and statutory bodies, such as Warwickshire County Council's Education, Ecology, Flooding, and Highways services, the Environment Agency, Historic England, Natural England, as well as Rugby Borough Council services including Parks and Development Management.

1.7 Figure 1 overleaf shows the extent of the Local Plan allocation DS 8. Part of the Local Plan allocation applies to an area of land (23.7 Ha) to be safeguarded for development until after 2031 which is the end date of the adopted Local Plan. As this area of safeguarded land is to be brought forward after 2031 it is not considered as part of this SPD. However, if an application were to be submitted for this safeguarded land before 2031, the guidance set out in this SPD would be a material consideration for the authority. Likewise, any applications submitted before the adoption of this SPD will be considered against this SPD as Policy DS8 requires. However, those applications approved before the adoption of this SPD, shown on Figure 1, the Ashlawn Road scheme (860 units) and the Coventry Road scheme (250 units), a total of 1,110 units, will not be required to comply with this SPD. However, if these approved schemes are superseded by new applications, these new applications would be subject to the requirements of all relevant development plan policies and this SPD.

1.8 In order to secure the comprehensive development of the site DS8 requires the site to be phased with the detail be contained within this SPD. The indicative phasing plan is contained within appendix G. Planning applications for development within the allocation site must be informed by this SPD. Appendix F sets the indicative phasing of development of the site and suggests that over the lifetime of the local plan c.3,235 units out of the remaining c.3,890 units will be delivered, with the other c.655 being delivered beyond the current local plan. If applications bring forward more units than those anticipated by appendix F those units will be subject to the requirements of all relevant development plan policies and this SPD.

## Objectives

1.9 This SPD seeks to provide developers with guidance to deliver a quality place where people want to live and work, designed according to sustainability principles. Whilst this SPD is an important material consideration in the assessment of development proposals, it is not intended to unduly restrain the creativity and design of development by being overly prescriptive, provided that development takes place in a co-ordinated and consistent manner, taking into account the area's constraints and opportunities. This SPD provides greater detail on the requirements of Policies DS3, DS8 and DS9 to ensure policy compliance.

1.10 Given the scale of the project there is a need to ensure a coherent and co-ordinated approach to infrastructure delivery (especially the spine road network), construction management and development phasing between land ownerships to ensure that the overall policy aspirations are met. This SPD sets out requirements from the development industry to deliver the following (these are not in order of priority):

- A new neighbourhood, comprising a mix of uses that incorporate current best practice in sustainable and urban design (in line with Section 12 of the NPPF on achieving well-designed places). To design the neighbourhood centre and other movement generating uses so that they prioritise pedestrian and cycle movements incorporating pedestrian permeability and cycle friendly streets and routes, maximise public transport access and integrate open space and biodiversity within the built form and green infrastructure network. To ensure this is a new neighbourhood that maintains its own sense of identity by safeguarding a significant buffer of land that retains the existing physical and visual separation between Rugby and the



village of Dunchurch. This landscaped buffer will, as part of the site wide Green/ Blue Infrastructure network, create a new Green Infrastructure corridor that:

- retains and strengthens the existing hedgerow and tree planting;
  - introduces new hedgerow and tree planting;
  - creates new habitats including a continuous tree canopy between Cock Robin Wood and Cawston Spinney for bats;
  - creates recreational routes for walking, cycling and running, and informal/ semi-natural open spaces and play areas; and
  - incorporates small-scale drainage/SuD s where appropriate;
- Green/Blue Infrastructure - The site contains areas of important habitat, including ancient woodland, that have ecological, cultural and amenity value. This SPD seeks to ensure new development protects, enhances and secures the future of these important habitats and the species that inhabit them. This SPD also seeks to protect and enhance corridors to enable current and future species to move in, out and through the development area (in line with Section 15 of the NPPF on conserving and enhancing the natural environment). This SPD will also ensure that a measurable Biodiversity Net Gain is secured that promotes onsite conservation and mitigation within the development area boundaries and compensation elsewhere within the Borough as a last resort;
  - Physical Infrastructure – The site is largely open countryside. In order to deliver the adopted Local Plan allocation for employment and housing at South West Rugby, highways, walking, cycling and public transport infrastructure needs to be put in place, to enable the developments to function effectively (in line with Section 9 of the NPPF on promoting sustainable transport). Establishing the spine road network through the site, connecting to the existing road network to alleviate the traffic impact of the development on the Dunchurch crossroads and surrounding area, will be key; and
  - Social Infrastructure – As it is being implemented the South West Rugby allocation will be effectively creating a new community that will require health services, education, shops, local play space, policing and fire services. These will be needed to create sustainable developments, the key aim of the NPPF (and more specifically Section 8 – promoting healthy and safe communities). This also relates to habitat and ecological enhancement as the provision of green infrastructure will also contribute to active lifestyles.

### **Allocation wide documents**

1.11 The Local Planning Authority views the south west Rugby allocation as a single strategic development to avoid piecemeal development. However, it is likely to come forward as multiple planning applications, due to the nature of the land ownership. It is important that these planning applications accord with an allocation wide masterplan, an allocation wide infrastructure delivery strategy and an allocation wide phasing strategy. This is necessary to secure a comprehensive approach to master planning and infrastructure delivery for the allocation area as a whole and to ensure that proposals for part of the allocation area help deliver a high-quality cohesive place that

meets overall policy objectives and do not prejudice future phases of development within the allocation or infrastructure provision.

1.12 Prior to development of the south west Rugby allocation, an allocation wide masterplan, allocation wide infrastructure delivery strategy and an allocation wide phasing strategy will need to be prepared by the landowners and submitted to the Council for approval. Each planning application to be determined in relation to the south west Rugby allocation should accord with such approved documents unless otherwise agreed in writing by the Council. The allocation wide masterplan will set out the relevant land uses for each part of the allocation area, together with the location of the infrastructure to be delivered as part of this allocation. Such infrastructure to be as detailed in policies DS8 and DS9 of the adopted Local Plan, the Council's IDP (as reviewed and amended from time to time) and/or this SPD.

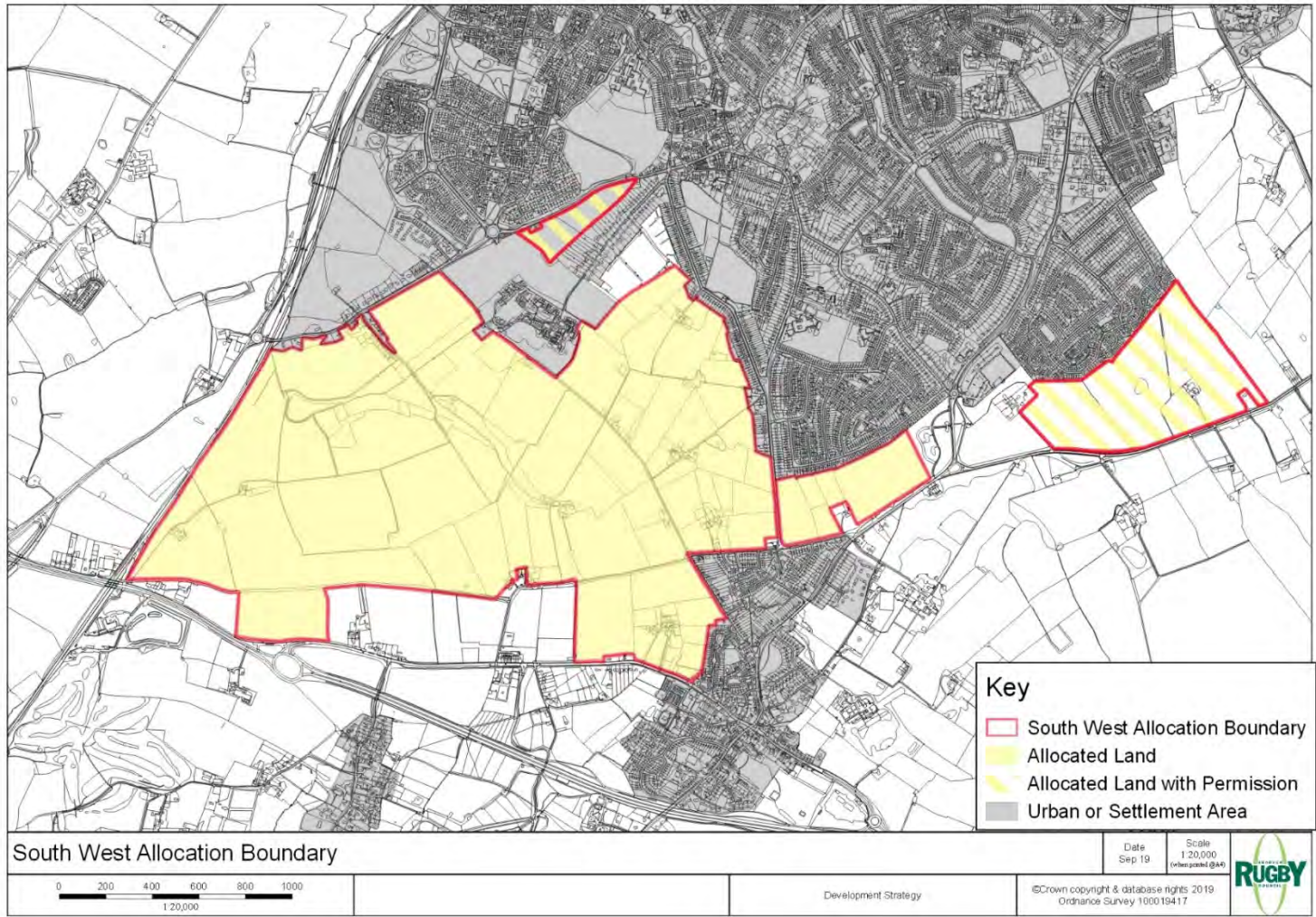
1.13 The allocation wide infrastructure delivery strategy will demonstrate that the development of the allocation area will deliver, in a timely manner, sufficient infrastructure to cater for the needs of the allocation area as a whole and also mitigate to an acceptable level the effects of the whole development upon the surrounding area and community. This will include details of:

- a) the provision of the infrastructure detailed in the allocation wide masterplan and delivered in accordance with the allocation wide phasing strategy; and
- b) sustainable transport measures and other infrastructure requirements, including measures to mitigate impacts upon the local and strategic road network.

1.14 The allocation wide phasing strategy will set out the proposed phasing of the allocation area, including the relevant land uses and infrastructure delivery for each phase. This will include details of environmental, landscape and ecological constraints including where possible avoiding or minimising harm to sensitive receptors and appropriately responding to the landscape setting.



Figure 1: South West Rugby Allocation



## 2. Planning policy and legislative context

2.1 Once adopted, this SPD will be a material consideration in the determination of all planning applications within the site. In addition, applications for more than 10 dwellings on land in the vicinity of the site which would benefit from the site's infrastructure may be required to contribute to that infrastructure.

### Rugby Borough Local Plan

2.2 The adopted Local Plan is the development plan for the Borough and this SPD reflects relevant adopted policies. Any proposals for the site must be considered against the policies contained within the Local Plan. This includes, but is not limited to policies associated with housing, affordable housing, open space, flood risk, biodiversity, green infrastructure, flood risk management and transport. Appendix B shows the main policies that are relevant in considering applications within the South West Rugby area, but others may also be applicable.

2.3 As well as Policies DS8 and DS9 which set out the requirement for the South West Rugby allocation, proposal for the site will have to comply with Policy DS5: Comprehensive Development of Strategic Sites (referred to in Appendix B of this SPD). Paragraph 4.44 of the Local Plan, which is part of the supporting text to Policy DS5, requires all masterplan SPDs to clearly demonstrate how the mix of uses and infrastructure requirements will be planned for and delivered to ensure development is sustainable and meets the policies set out within the Local Plan. This SPD aims to provide further detail which will support compliance with Policy DS5 to achieve comprehensive development of the site.

2.4 This SPD does not require a sustainability appraisal (SA) and/or a strategic environmental assessment (SEA) because a SA, incorporating an SEA, was produced for the adopted Local Plan. In addition, it does not allocate the land; Policies DS3, DS8 and DS9 of the Local Plan perform that function. For clarification as part of the SPD consultation, a screening opinion is attached as Appendix I to this document.

2.5 This SPD does not require its own health impact assessment (HIA). Policy HS1 of the adopted Local Plan stresses the importance of health issues being addressed by new developments. This is taken forward in Policy HS2 by requiring large developments, such as those that will come forward on the South West Rugby site, to undertake Health Impact Assessments on their proposals. Policy DS8 stresses the need for the South West Rugby site to be developed in a comprehensive, not in an ad-hoc, manner. The same holistic approach should be taken on the health impact assessments. Guidance on undertaking Health Impact Assessments can be found here

<https://www.healthyrbandevelopment.nhs.uk/wp-content/uploads/2013/12/HUDU-Rapid-HIA-Tool-Jan-2013-Final.pdf>) and background health data can be found here (<http://hwb.warwickshire.gov.uk/jsna-place-based-approach/>)

## **Community Infrastructure Levy ('CiL') Regulations 2010 and Town and Country Planning Act 1990**

2.6 The Local Planning Authority has not yet adopted a CiL charging levy pursuant to the CiL Regulations. It is in the process of considering the introduction of a CiL as per the 2019 Local Development Scheme. The relationship between any adopted CiL and this SPD will be kept under review.

2.7 The statutory basis for entering into planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended). In brief, the Local Planning Authority will use Section 106 planning obligations to secure funding for the delivery of infrastructure, to safeguard land for infrastructure delivery, to safeguard access to land for infrastructure delivery, to control the direct delivery of infrastructure and to control the future use of land and access to it once the infrastructure has been delivered, in each case where it is appropriate to do so.

2.8 Regulation 122 of the Community Infrastructure Regulations 2010 (as amended) sets out the statutory tests of Section 106 planning obligations as follows:

Planning obligations must be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

2.9 This SPD has been prepared in accordance with the Regulation 122 requirements. The contributions that will be sought by means of planning obligations from each development parcel within the site (or in to the vicinity of the site - see Paragraph 2.1 above) are directly, fairly and reasonably related to the impact caused by the development and are reasonably required to make the development acceptable in planning terms.

## **National Planning Policy Framework**

2.10 Under the National Planning Policy Framework (NPPF) there is a requirement to achieve sustainable development, with 'three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways' Net gains are sought for economic, social and environmental objectives. Paragraphs 124-132 of the NPPF set out the importance of achieving well designed places and confirms that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents". Paragraph 175 of the NPPF also requires the refusal of planning permission for development that would result in the loss or deterioration of ancient woodland and ancient or veteran trees. This SPD supports the implementation of these elements of the NPPF.

2.11 As required by Paragraph 34 of the NPPF, plans should set out the contributions expected from development, but such policies should not undermine the deliverability of the plan. This has been considered carefully by the Local planning authority in preparing this SPD, including in setting the tariff described in section 8.

### **3. The Site and its Context**

#### **Land Ownership**

3.1 The South West Rugby site has multiple land owners. Much of the land is either owned by residential and commercial developers or is currently subject to option agreements or other forms of land deals between the existing private or public sector landowners and residential and commercial developers. The majority of the landowners have put in place joint working arrangements and have expressed their clear intention to deliver development at South West Rugby within the timescales envisaged by the Local Plan.

3.2 This SPD provides a framework within which each parcel of land within the site can contribute towards the delivery of the wider allocation and infrastructure needs whilst adhering to a site wide design context that places comprehensive infrastructure delivery, including Green/Blue Infrastructure at its heart, and which has the capability to successfully mitigate the impacts of the development. In order for this to be successful, different landowners will need to have regard to the role their land has within the wider development framework and the need to achieve a coordinated approach to development and delivery of associated infrastructure. This may require land equalisation to achieve spatial objectives. In particular, the provision of the South West Rugby Spine Road network, as allocated through adopted Local Plan Policies DS8 and DS9 is a key requirement. Vital to this is an integrated approach to phasing and implementation of the development. Unless there is a co-ordinated approach to infrastructure delivery, planning applications for individual parcels of land within the site risk being refused due to the fact that the infrastructure required by Policies DS8 and DS9 not being satisfactorily delivered.

#### **Site Description**

3.3 The allocation, defined as 'South West Rugby', is approximately 390Ha (960 acres) and is predominantly in agricultural use, within the open countryside and lies generally between Cawston to the north, Bilton to the east, Dunchurch to the south, and the A4071 (London Road) and a disused railway line to the west. The allocation does extend eastwards to include the land north of Ashlawn Road, which was approved by the Secretary of State for 860 dwellings and the redline plan of which is shown in Appendix J to this document.

#### **Site Context**

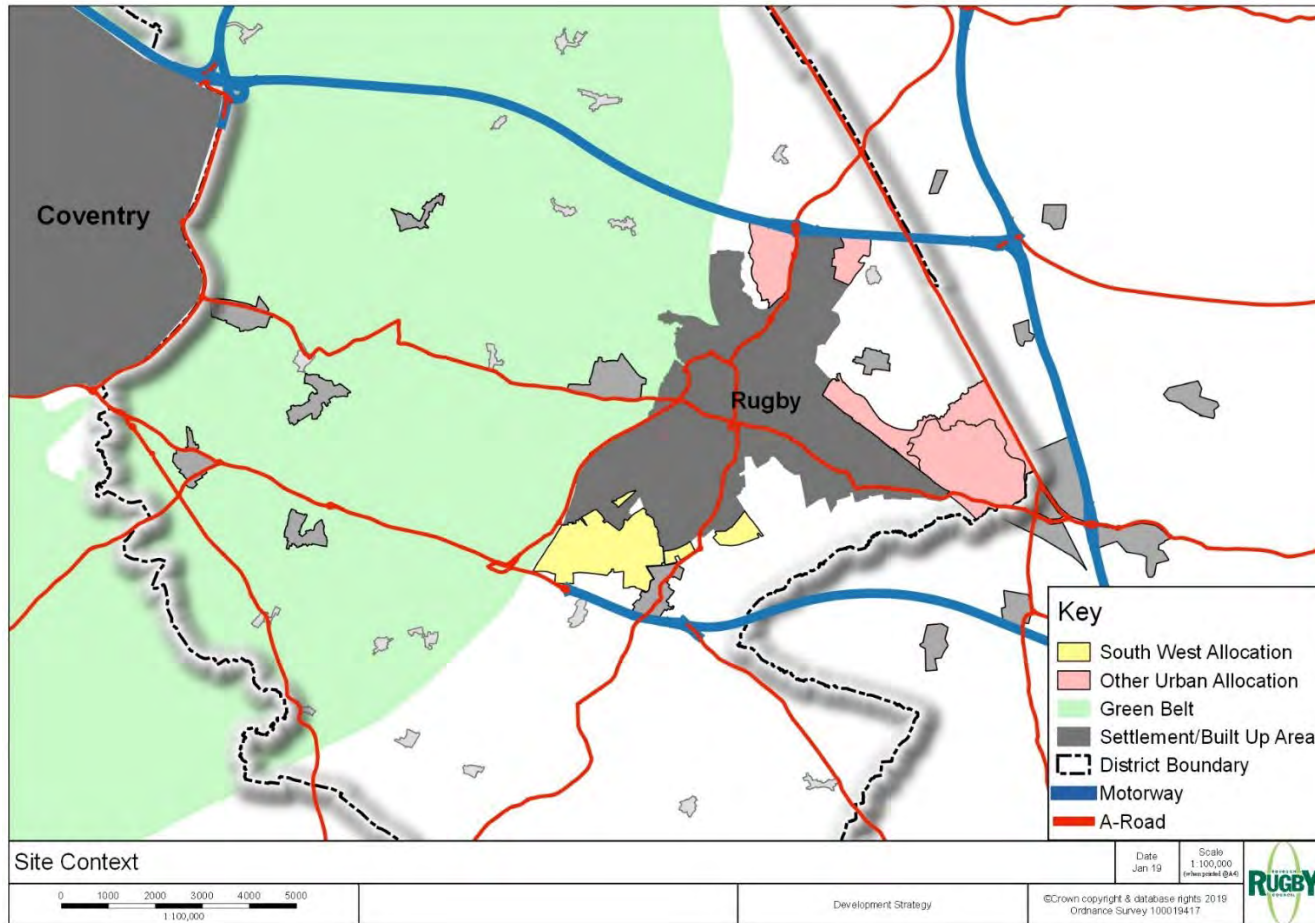
3.4 The allocation adjoins the urban edge of Rugby and is well related to the town's existing services and infrastructure. Rugby town centre is approximately 3km from the allocation. The village of Dunchurch is in close proximity to the south, with its more limited range of shops and services in comparison. The junction of the B4429 and the A426 at the heart of the village is at capacity and its layout and the proximity of listed buildings renders it unable to be improved to increase capacity, making it a significant highway constraint in the locality.

3.5 The allocation is separated from the wider countryside to the south by the A45 (London Road) and the disused railway line to the west which form physical and permanent boundaries to development. Some employment uses are located at the edges of the allocation, including the Dunchurch Trading Estate located just off the A45. Figure 2 shows the overall context.

3.6 The grounds of Bilton Grange School, which are a registered Park and Garden, define the south eastern edge of the allocation, east of Dunchurch. The urban edge of Rugby is characterised by the new build estate at Cawston and the attractive residential streets of Lime Tree Avenue in the north east and Alwyn Road to the east.



Figure 2: Overall Context



## **Constraints and Opportunities**

3.7 As part of the background evidence to the Local Plan the council appointed David Lock Associates to provide information on the baseline opportunities and constraints for the SW allocation. This evidence is available here:

[https://www.rugby.gov.uk/downloads/file/1611/oth04\\_south\\_west\\_rugby\\_-\\_baseline\\_opportunities\\_and\\_constraints\\_report](https://www.rugby.gov.uk/downloads/file/1611/oth04_south_west_rugby_-_baseline_opportunities_and_constraints_report).

In addition, the landowners and the promoters of the development have undertaken a number of studies of the allocation and the implications of its development in order to help inform this SPD. Further detailed studies may be required prior to the submission of planning applications. Based on the current level of information the paragraphs below set out the identified constraints and opportunities.

## **Transport and Access**

3.8 The transport network in the south of Rugby is inter-connected. The strategic and local transport infrastructure in the south of Rugby is bound up and connected to the wider transport network to the south, and Rugby town as a whole. The site is well related to the local highway network with direct access onto Ashlawn Road, Alwyn Road, Cawston Lane, Coventry Road (B4642), Rugby Road (A426) and the M45/A45. Connections can be made to the urban area of Rugby via a number of transport routes. The Coventry Road (B4642) and A4071 provide main routes to the north, with Rugby Road (A426) and Ashlawn Road (B4429) providing the main routes to the south of the town. Cawston Lane crosses the allocation site and connects Coventry Road (B4642) to the north with Northampton Lane to the south. The strategic network (M45/A45) provides opportunities to travel further afield and to nearby centres of employment including Coventry and Northampton. These routes provide an opportunity to connect the allocation with the urban area of Rugby and the strategic road network.

## **Landscape and Coalescence**

3.9 Much of the landscape of the allocation is characterised by open grassland and arable fields, with parts classified as grade 2 agricultural land and defined by a series of established hedgerows, together with individual mature trees (some of which are the subject of Tree Preservation Orders) and small copses. A network of ponds appear periodically within the fields. There is a well-vegetated public bridleway running east-west along Northampton Lane. Mature ancient woodland exists within the north of the allocation known as Cawston Spinney. Given the extent of green infrastructure assets on the allocation these features need to be taken into consideration in designing the layout of the development parcels, to reflect Local Plan Policy NE2 on green infrastructure, Natural England's standing advice on Ancient Woodland and Veteran Trees, and the structural landscaping requirement of Policy DS8, as part of this SPD. Part of this allocation has been subject to landscape sensitivity studies in 2006, and for the recently adopted Local Plan a Landscape Assessment of the Borough of Rugby Sensitivity and Condition Study 2017. Figure 3, from the 2006 Landscape study shows the

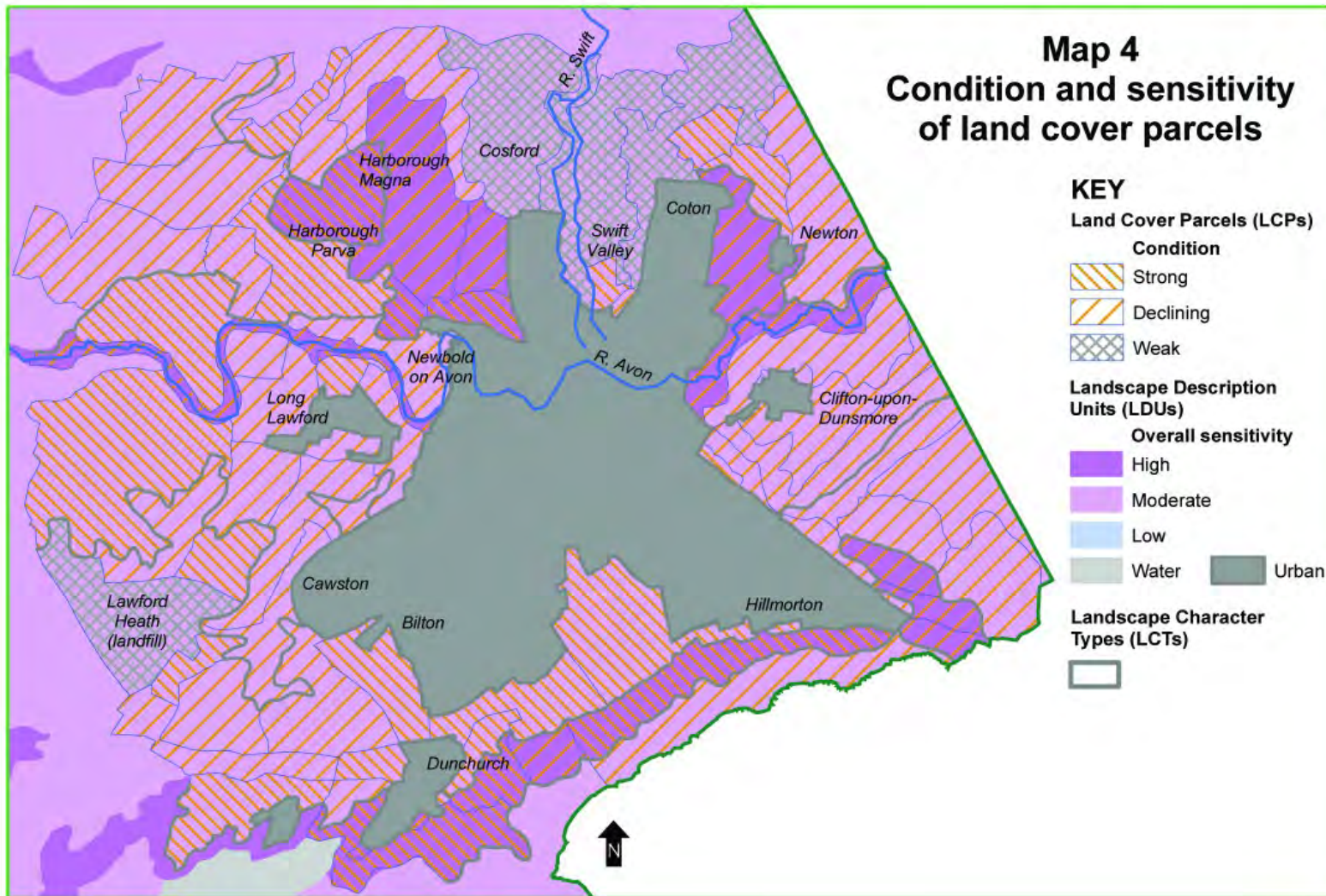
condition and sensitivity of the gap while figure 4 from the most recent study on the sensitivity of the Rainsbrook Valley Landscape (January 2017)<sup>2</sup>, shows its high level of sensitivity.

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<sup>2</sup>[https://www.rugby.gov.uk/downloads/file/1400/rainsbrook\\_valley\\_landscape\\_sensitivity\\_study\\_january\\_2017](https://www.rugby.gov.uk/downloads/file/1400/rainsbrook_valley_landscape_sensitivity_study_january_2017)

**Figure 3: Condition and Sensitivity of land parcels (from 2006 Study)**

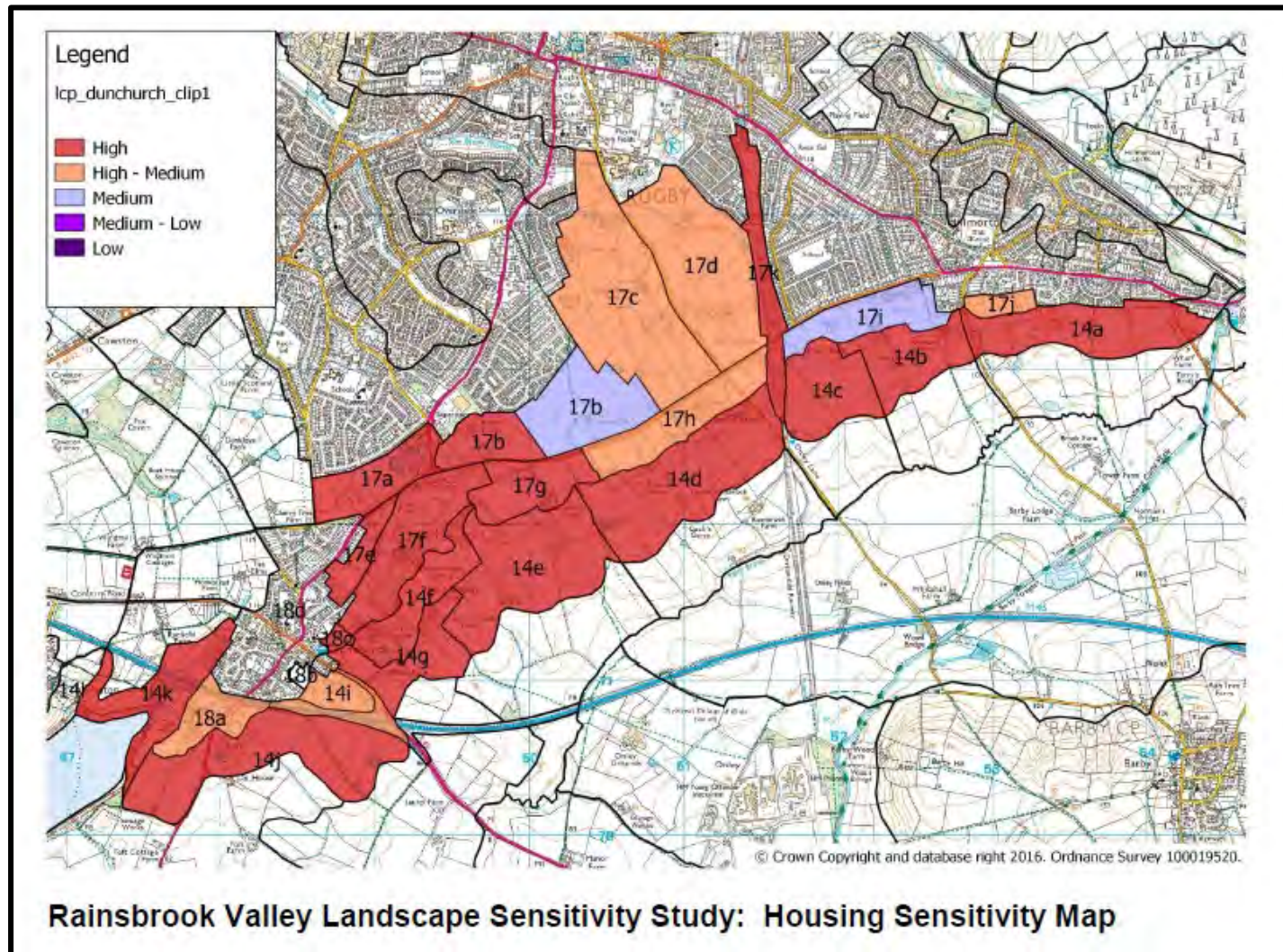
## Map 4 Condition and sensitivity of land cover parcels



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NOT TO SCALE

Figure 4: Housing Sensitivity Map (2017 Study)



3.10 Site 17a on the map above forms part of the South West Rugby allocation. This is the area to the south of Rugby in the eastern portion of the development area, in a strip of land which ranges between approximately 240m to 288m in width that separates Rugby from Dunchurch. The far eastern portion of the allocation comprises the Cock Robin Wood Local Wildlife Site. The study identifies an informal wooded 'walk', enclosed under a canopy of mature roadside and hedge trees (dense in places, scattered in others), adjacent to the public footway off the Rugby Road. The study goes on to say:

*"The settlement edge, set back by one field from the road, is only glimpsed through gaps in this vegetation. However, particularly within the eastern part of the zone, the settlement edge itself is abrupt and lacking a rural hedged/treed boundary. Generally field hedges are redundant and outgrown but where sections of roadside hedgerow to the reserve have been re-laid these are re-establishing."*

3.11 Site 17a was concluded to be of 'high sensitivity' because the zone comprises the last gap separating Rugby and Dunchurch. To be compliant with Policy DS 8 a buffer between Dunchurch and Rugby will need to be provided that is of a width significant enough to maintain a physical and visual separation between these two distinct settlements and prevent coalescence. The buffer will form part of the designated Green Infrastructure Corridor which runs from Cock Robin Wood to Cawston Spinney, and forms part of the allocation-wide Green Infrastructure network. This does not mean that there can be no development in the parcels within Site 17a of the Rainsbrook Valley Landscape Study but development in this area will be required to comply with the policy requirements and include a significant landscaped buffer between Dunchurch and Rugby. This landscaped buffer will extend from Cock Robin Wood in the east to the Coventry Road (B4429) in the west of the allocation.

3.12 The landscaped buffer will include the wooded walk along the Rugby Road (A426), between Northampton Lane and Cock Robin Wood. The Rainsbrook Valley Landscape Sensitivity Study recommends that the wooded walk along the Rugby Road should be conserved and enhanced, with hedgerows gapped up with hedgerow trees. Delivering this wooded walk would help to comply with the requirement in DS 8 that there is a continuous Green Infrastructure corridor between Cock Robin Wood and Cawston Spinney. The alignment of the Homestead Link will impact the existing wooded walk but this impact can be mitigated by the provision of the landscaped buffer and the design of the buffer, the Homestead Link Road itself and the development parcels adjoining the Link Road and the buffer. Along the whole of the landscaped buffer it is considered that strengthening the existing hedgerow and tree planting and the introduction of new planting of a similar type to the existing (in terms of height, depth and species mix) will maintain and strengthen the existing visual and physical character of the gap between Rugby and Dunchurch and ensure a gap is maintained in the future between the two settlements. This planting along with the creation of new habitats for biodiversity, new recreational routes and informal/ semi-natural open spaces and play areas will contribute to the Green Infrastructure network. This will provide opportunities to safeguard and enhance the Listed Buildings, Registered Park and Gardens and trees subject to Tree Preservation Orders that are adjoining or close to the allocation. It will also provide opportunities to create improved access to the Green Infrastructure network as well as the wider countryside by expanding and improving the walking and cycling environment for leisure and active travel, benefitting health and well-being and accessibility for both existing and new residents of the allocation, as well as enhancing biodiversity.

3.13 Although coalescence can occur anywhere, there is greater potential for the southern part of the allocation to lead to coalescence which would be contrary to Policy DS8. However, by implementation of the masterplan, through incorporating a significant landscaped buffer as part of the Green/ Blue Infrastructure network, as required by Policy DS8, and with the developable area restricted accordingly, then development can be delivered with appropriate mitigation. The key issues to consider are the size, form and function of the landscaped buffer to ensure that functional coalescence of the settlements of Rugby and Dunchurch does not occur. The buffer will need to be maintained in perpetuity and not be eroded by piecemeal development.

3.14 An essential piece of infrastructure in this location is the Homestead Link, which will traverse this section of the allocation. Policy DS9 shows an indicative alignment, supplemented by more detail in Appendix C of this SPD. This preferred alignment is considered to have the transport benefits of opening up the allocation, whilst also ensuring policy compliance with the need to prevent coalescence and strengthen the Green/Blue Infrastructure network in this location. The interaction between balancing infrastructure delivery, Green/Blue infrastructure and coalescence prevention, and its relationship with the developable area in this section is critical, and finely balanced. The aim is to maintain the separation the Local Plan Inspector sought in his report (see paragraph 108).

### **Green and Blue Infrastructure Assets and Biodiversity**

3.15 There are a number of Green/Blue Infrastructure and biodiversity assets within the allocation. These assets form a base that can be secured and enhanced to form a green infrastructure network of sites and corridors within the allocation boundary and into the wider countryside. These Green/Blue Infrastructure assets will contribute to healthy lifestyles, wellbeing and create a sense of place by providing access to high quality open space. The 'Sub-Regional Green Infrastructure Strategy (Warwickshire, Coventry and Solihull)' December 2016 <https://apps.warwickshire.gov.uk/api/documents/WCCC-863-513> identifies Rugby Borough as having a range of agricultural habitats, which include a significant amount of the sub-region's arable land and improved grassland. It also contains relatively high proportions of neutral grassland and semi-improved grassland. Part of the recommendations of the study relate to the South West Rugby allocation due to the presence of these features and are as follows:

#### *Hedgerows and Field Boundaries*

*Enhance the structure of the landscape through replanting and regeneration of primary hedgerow boundaries; and*

*Reintroduce mixed native species hedgerows along primary boundaries*

*Enhance the age structure of hedgerow tree cover, particularly hedgerow oaks*

#### *Woodlands*

*Conserve and enhance the biodiversity of Ancient Woodlands and veteran trees through sensitive woodland management;*

*Identify opportunities for restoring Ancient Woodland on former sites; and*

*Identify opportunities for new planting, to strengthen the sense of landscape cohesion and connectivity"*



3.16 The landscape quality of the urban fringe countryside receives particular attention, and the document highlights that these sections have a key influence on how the overall characters of the Warwickshire landscapes are perceived and enjoyed. It goes on to say that:

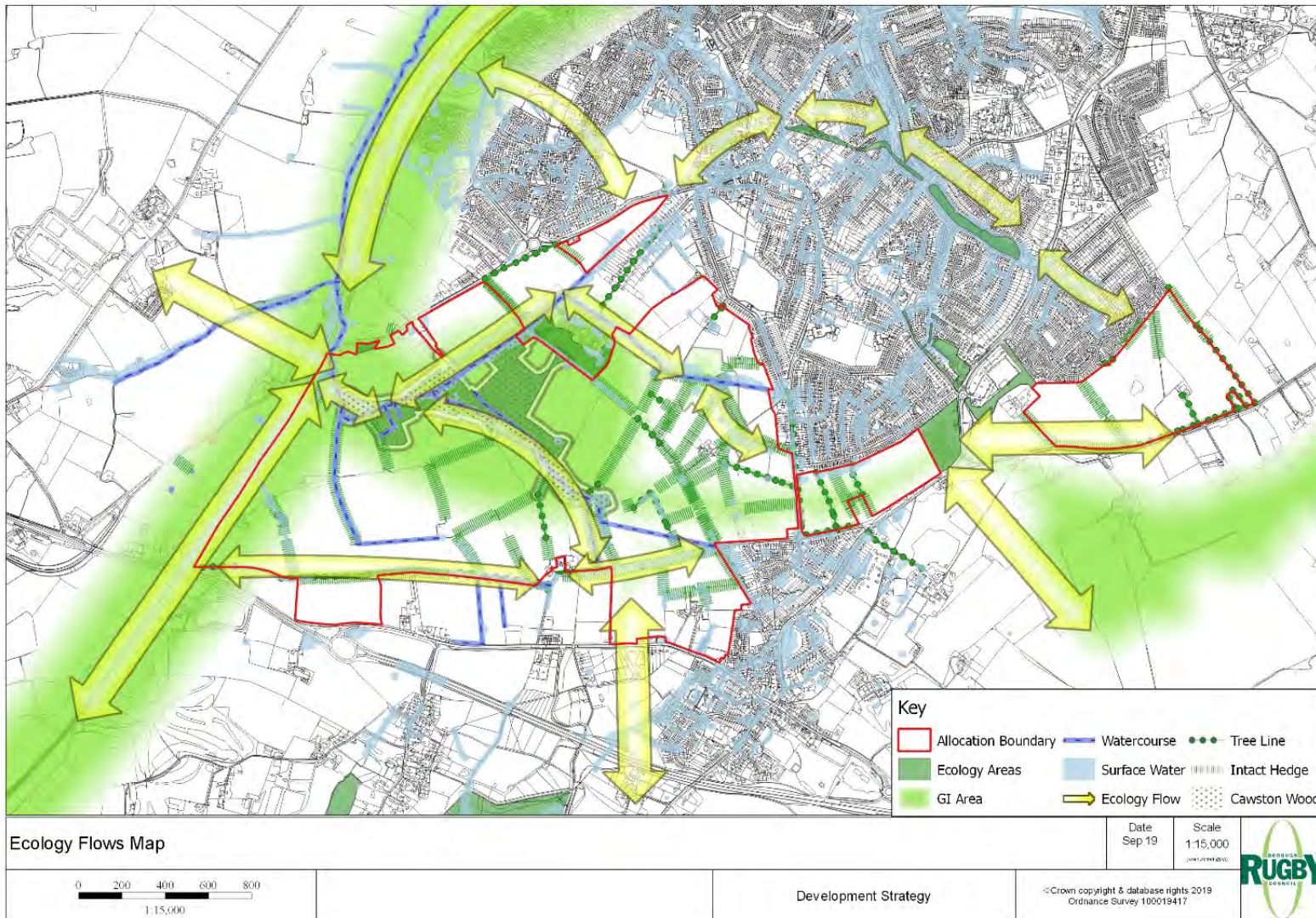
*“Rural urban fringe landscapes close to the main towns are widely recognised as highly important to people’s experiences and quality of life. Opportunities should be sought to reinforce and enhance landscape character, by creating new and maintaining existing Green Infrastructure, linking urban areas with the wider countryside.”*

3.17 The Strategy notes that new development has the potential to be visually intrusive, particularly in the early years before landscape mitigation schemes mature. Attention therefore needs to be paid to the way in which new development within the South West Rugby allocation can be sensitively accommodated in the rural-urban fringe in terms of siting and layout, materials, scale and design, together with landscape, biodiversity and green infrastructure mitigation. It is important, therefore, to ensure that key biodiversity assets are interwoven into the green infrastructure network, as well as in landscape terms to prevent coalescence, increasing connectivity in terms of pedestrian permeability and species transfer; in line with Policy NE3.

3.18 Development provides an important opportunity to secure Cawston Spinney’s long-term protection and habitat conservation, as well as the provision of managed public access, utilising the existing network of public footpaths. Essential to maximising existing biodiversity assets is the need to create a green/blue infrastructure network throughout the whole allocation and into the wider countryside. One such strategic Green and Blue Infrastructure corridor will extend from railway line in the west to Cawston Spinney, then Cock Robin Wood, Bilton Grange School grounds and south east to the disused railway line, as illustrated on Figure 5 below.

3.19 The enhancement of the multi-functional green and blue infrastructure network will improve access to open space within the allocation and provide biodiversity improvements. These spaces will need to positively integrate surface water drainage features and existing reservoirs/ponds designed to contribute towards the overall character, quality and amenity of the public realm. The existing landscape features and topography of the site, alongside future surface water drainage requirements will influence the creation of connected open and green spaces. Figure 5 below shows the existing ecological flows across the South West Rugby allocation to the wider countryside.

**Figure 5: Ecological Flows across the allocation to the wider countryside**



## Cawston Spinney and Cock Robin Wood

3.20 Cawston Spinney Local Wildlife Site is located in the middle of the allocation and is a key landscape and biodiversity asset. This is formed of the Cawston Spinney, Fox Covert and Boat House Spinney and includes an area of ancient woodland and an area Tree Preservation Order. There are no other statutorily designated Sites of Nature Conservation or other ecological areas on the allocation. However, as set out in Policy DS8 of the adopted Local Plan, the Green and Blue Infrastructure Network will be extended from Cock Robin Wood to Cawston Spinney. This is articulated in figure 5 above and incorporated into the overall masterplan in appendix E. This will be a key consideration in any planning applications that incorporate these areas.

3.21 Cawston Spinney will constrain parts of the allocation from development, including the need to incorporate an appropriate buffer around it, in accordance with Policy DS8, taking into account Natural England's standing advice on Ancient Woodland and Veteran Trees<sup>3</sup> to protect it from development in order to ensure that there are limited effects upon the protected ancient woodland. The buffer may be wider in places in order to deliver allocation-wide open space provision. The buffer is interpreted as being from the canopy edge of the trees given their height and canopy width at the boundaries. The detailed effect of development in proximity to the ancient woodland would need to be identified as part of an Ecological Constraints and Opportunities Plan submitted as part of any development proposals for planning applications in proximity to Cawston Spinney, demonstrating compliance with Natural England's standing advice on Ancient Woodland and Veteran Trees and paragraph 175 c of the NPPF. A Cawston Spinney Woodland Management Plan is set out in a separate document.

### **Cultural Heritage**

3.22 There are no Listed Buildings within the boundary of the South West Rugby allocation. There are a number of Listed Buildings in close proximity to the allocation:

- Cawston Farm House is a Grade II Listed building just off Coventry Road (B4642) close to the northern part of the allocation;
- Bilton Grange School is a Grade II Listed Building south of Rugby Road (A426) to the south east of the allocation. The grounds of the School are a Registered Park and Garden;
- Cock Robin Wood Cottages are Grade II Listed and on Rugby Road (A426) to the south east of the allocation;
- Rugby Road Lodge is a Grade II Listed Building on Rugby Road (A426) close to the junction with Northampton lane, to the south east of the allocation; and
- Lavender Furlong is a Grade II Listed Building on Coventry Road (B4429) to the south of the allocation.

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<sup>3</sup> <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

3.23 In addition, to these buildings there are Conservation Areas located in Rugby, Thurlaston and Dunchurch. Policy SDC3 of the Local Plan states that ‘development affecting the significance of a designated or non-designated heritage asset and its setting will be expected to preserve or enhance its significance’. Applications with the potential to affect the significance of a heritage asset will be required to provide sufficient information and assessment (such as desk-based appraisals, field evaluation, and historic building reports) of the impacts on the significance of designated and non-designated heritage assets and their setting at the planning application submission stage. Great weight will be given to the conservation of the Borough’s designated heritage assets. Any harm to, or loss to, the significance of a designated heritage asset must be justified by the applicant / developer at the planning application submission stage so it can be considered by the council. The Local Planning Authority will consider any potential impacts on the significance of designated and non-designated heritage assets in accordance with the NPPF and the Planning (Listed Building and Conservation Areas) Act 1990.

3.24 Applicants are strongly encouraged to contact the County Archaeologist in advance of submitting planning applications to enable the need for and scope of further investigations to be considered prior to determination of planning applications.

### **Hydrology, Drainage and Flood Risk**

3.25 A sub-regional Water Cycle Study<sup>4</sup> undertaken by partner authorities (North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council and Warwick Borough Council) provides evidence about the wastewater strategy, the water supply strategy and also water related policy recommendations. Upgrades will be required to certain wastewater treatment works across the study area which should be investigated at the planning application stage to ascertain if mitigation is required to accommodate the growth planned in South West Rugby.

3.26 A number of small ponds, ditches and watercourses exist within the allocation, and form part of the River Avon catchment. In addition, there is a small reservoir onsite associated with Cawston Spinney. These existing features should be retained as, apart from any biodiversity value, they are part of the current drainage regime and any proposals to alter/remove them needs to be considered as part of the allocation Flood Risk Assessment. The removal/ alteration of existing watercourses must not take place without the written consent of the Local Lead Flood Authority (LLFA). Developers should take the opportunity to enhance the blue/ green infrastructure corridors alongside these watercourses to provide multifunctional benefits. Redevelopment must mitigate flood risk to the satisfaction of the LLFA and ensure that the effects of development mitigate the effects on site watercourses, as well as enhancing their ecological value. Mitigation may be required by conditions to any planning permission and/ or in the detailed layout of schemes. See Appendix B of this document for a list of planning policies that are likely to be relevant to the consideration of any planning applications for development parcels within the allocation that come forward. Warwickshire County Council website contains guidance (August 2017)<sup>5</sup> on the issues for consideration in the design of a surface water system for developments.

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<sup>4</sup>[file:///rugby.internal/shares/homedrives/Heathp/Downloads/EXAM\\_141\\_WDC\\_Matter\\_13\\_Submission\\_Joint\\_Warwickshire\\_Partnership\\_Water\\_Cycle\\_Study.pdf](file:///rugby.internal/shares/homedrives/Heathp/Downloads/EXAM_141_WDC_Matter_13_Submission_Joint_Warwickshire_Partnership_Water_Cycle_Study.pdf).

<sup>5</sup> <https://apps.warwickshire.gov.uk/api/documents/WCCC-1039-73>

3.27 The use of national scale mapping suggests that the vast majority of the allocation - and all of the areas where built form will be provided - appears to fall within Flood Zone 1, which is the lowest flood risk possible. There are small areas of zone 2 and 3 associated with the watercourse and small waterbodies. However, each watercourse will have a flood plain associated with it and should be modelled to properly assess the flood risk to the allocation. Both development and SuDs features must be located outside of the modelled flood plains within the allocation. The overall design will need to take these areas into account. The framework masterplan appended to this draft SPD at Appendix E provides the strategic context for this.

3.28 Development should facilitate the delivery of an on-site Sustainable Drainage Systems (SuDS) network, off-line from the existing drainage network, to attenuate surface water flows from the development of the allocation. SuDS features will be located in combination with the allocation's topography and discharge rates will be reduced to Greenfield Qbar (the peak rate of runoff for a specific period) in order to align with Warwickshire County Council advice. The Lead Flood authorities' preference is for attenuation basins to be located close to the source of the runoff (i.e. within each development parcel). They should be located outside of any areas at risk of flooding from rivers or surface water (as shown here: <https://flood-warning-information.service.gov.uk/long-term-flood-risk/>). Basins should also have adequate space around them for gaining maintenance access. The size of attenuation basins may be minimised by providing storage for runoff throughout the development (such as underneath permeable paving and within swales). This approach can help ensure that attenuation basins are shallow features for the benefit of future maintenance, health & safety and amenity. Further design guidance is available in the CIRIA SuDS Manual C753.

3.29 It is likely that foul flows for the whole development area will outfall into the existing sewer network. However, there may need to be improvements/upgrades to the Rugby Newbold waste water treatment works. Detailed investigations with Severn Trent Water will be required. In accordance with the Water Industry Act (1990), Severn Trent Water will be required to provide capacity for the development of the allocation whilst containing the environmental impacts of the development and maintaining water quality. This may require specific local Section 106 contributions from developers of the allocation.

3.30 The underlying geology comprises bands of mudstone, siltstone, limestone and sandstone, with the whole allocation overlain with superficial deposits. Infiltration testing has indicated that infiltration rates across the allocation are negligible and therefore drainage via soakage would not be feasible. Individual parcels should still be tested, and if infiltration is not feasible, the next highest alternative on the drainage hierarchy should be used. Even in areas with limited infiltration, the use of unlined storage and conveyance features can provide additional treatment of flows and reduce the overall volume of surface water leaving the allocation. Planning applications that come forward in excess of 10 units will be required to consult the Local Lead Flood Authority which gives detailed advice on flooding. The Flood Risk Assessment should assess the flood risk from all sources and identify options to mitigate flood risk to the development, allocation users and surrounding area. In addition, as individual parcels come forward, construction management plans must include suitable boundary treatments to cut off surface water and manage flows until the adjacent parcel is developed. Measures must be put in place to manage run-off and silt during construction. Drainage systems and SuDS must be cleared before first occupation. The above measures are also relevant for the DS8 requirement for consultation with the Lead Local Flood Authority to identify any potential hydrological

mitigation, particularly with regard to potential hydrological impacts on Draycote Meadows Site of Special Scientific Interest.

## Utilities

3.31 Existing utilities are located within the allocation, including overhead electric cables, sewers, water mains and a buried chalk slurry pipeline owned by CEMEX. All these features will need to be addressed as part of the development of the allocation either through retention with suitable easements or through diversion in agreement with the respective statutory providers. Utilities serving the existing properties will also be removed, retained, or upgraded as required. Other utilities are located within the highway network and diversions will need to take place as required to deliver the highway access. It is strongly encouraged that developers engage with utility providers at an early stage to ensure required works are carried out. Local Plan Policy SDC9 requires broadband to be provided in new developments.

## Noise and vibration

3.32 The periphery of the allocation is influenced by noise arising from traffic on the A45 (London Road), Coventry Road (B4429), M45, and the A4071 to the west. The design of the layout of the development will need to avoid any significant adverse impacts on health and quality of life as a result of noise from traffic, as required by Local Plan Policy HS5. Detailed assessments will be required to be submitted with any planning applications that come forward to ensure an acceptable standard of amenity in respect of noise is achieved. Conditions on any planning permissions may be required to mitigate the impact of noise on residents, which may include noise barriers, tree planting or suitable insulation of residential dwellings. The impact of development proposals on existing and/or adjacent occupiers will also need to be considered. Guidance documents including the Institute of Acoustics professional practice guidance 'Planning ProPG: Planning and Noise'<sup>6</sup> recommend that the spatial layout and the use of buffer zones between residential and commercial uses should be considered to minimise disturbance and the likelihood of complaints. Assessments would need to have regard to relevant standards such as BS4142 and BS8233.

## Air Quality

3.33 The urban area of Rugby and Dunchurch is designated as an Air Quality Management Area due to traffic related impacts. Policy HS5 requires that major developments that are not Air Quality Neutral address their impacts in accordance with HS5. For the Rugby South West allocation, the impacts are likely to be severest on the Rugby gyratory in the town centre and the Dunchurch crossroads. An allocation wide Air Quality Assessment may not be feasible, therefore each planning application should be accompanied by an Air Quality Assessment which takes into account cumulative impacts for the wider allocation. In particular, the Air Quality Assessment will be required to assess the Air Quality impact of traffic generated as a result of the development of the site, linked to trip distribution of the area as a whole. This assessment should have regard to the EPUK and IAQM Guidance on Planning for Air Quality<sup>7</sup>. Appendix H of this document deals with the modelling protocols for this piece of work. Planning applications that come forward for the allocation will need to

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<sup>6</sup> <https://www.ioa.org.uk/sites/default/files/14720%20ProPG%20Main%20Document.pdf>

<sup>7</sup> <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

demonstrate compliance with Policy HS5 and include mitigation to meet Air Quality Neutral levels. Examples of mitigation measures are set out in Policy HS5 include enhancements to the Green and Blue Infrastructure network, including biodiversity enhancements and the incorporation of the landscaped buffer between Rugby and Dunchurch. Measures associated with the promotion of public transport via travel plans, the installation of cycle lanes and cycle parking to encourage cycle use and promoting active lifestyles through improving pedestrian permeability and walking routes can also contribute to minimising the impact on air quality. Furthermore, Local Plan Policy HS5 will also be supported by a specific Air Quality SPD, which developers should have regard to when preparing their planning applications, once it has been produced.



## 4. Design and Character

4.1 The 2019 NPPF has a renewed focus on the importance of good design. Paragraph 130 of the NPPF makes it clear that permission should be refused for development of poor design and that design standards in SPDs should be taken into account. Design and Access Statements submitted with planning applications should make clear how the proposal has considered this design section of the SPD. Some overarching design principles are set out below and in Appendix L.

4.2 The adopted Local Plan Policy SDC1: Sustainable Design requires all development to demonstrate high quality, inclusive and sustainable design. It makes clear that new development will only be supported where the proposal is of scale, density and design that responds to the character of the areas in which they are situated. 'Building for Life 12'<sup>8</sup>, as referenced in the NPPF, will be used in the assessment of applications and it is advised that applicants use this to help them to create a well-designed new community.

4.3 Paragraph 10.7 of the adopted Local Plan states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development will be looked on more favourably. Evidence of how the existing local community has been involved and influenced the design process should be provided as part of the Design and Access Statements submitted with planning applications.

### Development Parcels and Densities

4.4 Comprehensive development will be achieved throughout the allocation through each parcel demonstrating how it relates to its surrounding context. Appropriate design, densities and landscaping will create subtle transitions between parcels to a smooth rhythm of development. Design will be complementary, not contradictory, to reinforce the allocations sense of place.

4.5 Parcels will link together appropriately and be outward facing with high quality frontages, rather than parcels looking in on themselves and creating isolated 'bunkers' of development. Landmark buildings will be concentrated within the urban centre, allowing the edges to reflect the surrounding rhythms of development.

4.6 South West Rugby allocation will be integrated into Rugby town through strong physical and visual connectivity. Continuous pedestrian and cycle routes will run consistently throughout the allocation to make walking and cycling viable forms of transport for short journeys. Where physical constraints do not prevent it, each parcel should demonstrate how pedestrians and cyclists would move within that parcel, move between parcels and move to key points within the wider allocation, notably the local centre, employment and amenity areas.

4.7 Development densities will respond appropriately to the allocation's natural assets and location of onsite services and facilities, and public transport routes. Parcels are grouped together based on their sensitivity to development and thus levels of mitigation required through the use of lower densities, soft landscaping, appropriate building heights and setbacks. The purpose of this is to provide a sense of place whilst avoiding over-intensive uses close to sensitive locations.

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<sup>8</sup> Birkbeck D and Kruczkowski S (2015) *Building for Life 12: The sign of a good place to live*.

### *Southern Edge and Western Edge*

4.8 Residential parcels defined as being within the 'Southern Edge' and 'Western Edges' will be expected to be of lowest density within the allocation to reflect this area being the most sensitive to development. The Southern and Western edges of the allocation are the most rural in character and, in key areas, are deemed to be sensitive to development by virtue of their visual prominence. The defining feature of development along the edges of these parcels will be a gradual transition between natural and built features.

4.9 The Southern and Western edges provide key gateways into Rugby. New development must be sympathetic to its surrounding context through the use of appropriate mitigation measures. All planning applications will have to demonstrate how key views have been considered alongside how the development relates to existing development. Planning applications within the Southern edge will have to demonstrate that they will not have an adverse impact on the Thurlaston Conservation Area.

4.10 The Southern edge includes the Dunchurch-Rugby landscape buffer. Development close to the buffer must demonstrate how it will safeguard the two functions of the buffer, namely:

- Providing visual and physical separation between Dunchurch and Rugby; and
- Providing a continuous green/ blue infrastructure corridor between Cock Robin Wood and Cawston Woods as part of the allocation wide green/ blue infrastructure network.

4.11 To demonstrate that the visual separation between Dunchurch and Rugby is not adversely affected by development, sufficient separation distances have to be provided for the distinction between the two settlements to be clearly recognisable.

4.12 Development should safeguard, not compromise the function of the GI. To demonstrate that the Green Infrastructure network has been safeguarded, GI must be continuous, comprehensive and not adversely impacted by built form. Key edges of the buffer must be subject to appropriate boundary treatment, landscaping and building setbacks. However, creating appropriate 'edges' in the location closest to key assets goes beyond consideration of the development immediately adjacent to a natural asset. Appropriate edges use natural assets as a starting point which the lowest densities emanate from. Therefore, the highest densities of development are usually achieved furthest from an asset.

4.13 The Homestead Farm parcel is uniquely located as is part of a key gateway into Rugby, sits adjacent to the Dunchurch-Rugby landscape buffer and sits close to existing dwellings within Dunchurch village itself. The core of this parcel will be of higher density, with the key edges being of lower density to appropriately respect their surrounding context. Where development is proposed close to existing dwellings, planning applications must detail how the street scene will not be adversely affected. Appropriate setbacks, soft landscaping and a lower density from existing dwellings must be achieved. The key gateway views to the southern and western edge of the parcel must not be compromised by new development. Appropriate design will work to make the parcel appear to be a natural part of Dunchurch.

### *Northern Edge and Eastern Edge*

4.14 The northern and eastern edges of the allocation are already developed. New development must be sympathetic to this existing development pattern. Inappropriately tall buildings will be avoided along key edges adjoining existing properties.

4.15 Development parcels will generally be of higher density compared to other areas. Key edges must respond appropriately to nearby natural assets and existing development. Key points such as areas in close proximity to the road network and Cawston Spinney will be of lower density, with key sightlines safeguarded where appropriate.

#### *South West Rugby District Centre*

4.16 The South West Rugby District Centre will be located broadly within the centre of the allocation to ensure that its shops, services and facilities are as accessible as possible to the maximum number of new residents. The allocation is positioned to be as accessible as possible from the wider allocation this should help ensure it is accessible by means other than the car. The District Centre itself will consist of three or more storeys, with retail or similar uses on the ground floor with residential/office use above. Development surrounding the District Centre will emanate from the centre in the form of landmark buildings, blocks of flats and townhouses. A sense of place will be achieved through buildings in this location being positioned closer to the road and without frontages dominated by car parking. Car parking provision should be sufficient to prevent inappropriate on-street parking whilst integrating suitable landscaping to break up the view of parking.

4.17 Policy ED1 encourages allocations like the South West Rugby allocation to provide for small and medium sized enterprises. The District Centre would offer the ideal location for smaller businesses to locate. The District Centre is expected to provide a variety of uses including (but not limited to) GP surgery/ healthcare facilities, Police, and Children's Day Nurseries. Policy TC2 of the adopted Local Plan allows small scale retail and leisure uses subject to their impact on Rugby town centre. The intention would be to complement rather than compete with Rugby town centre allowing residents and workers to undertake day-to-day activities, such as convenience shopping, while minimizing the need to travel.

4.18 The adopted Local Plan (Policy TC2) anticipates a modest level of retail growth over the life of the Plan and focusses that growth within Rugby Town Centre. The Retail and Town Centre Uses Study (Nov 2015) does not consider the size or land use mix of the district centre at the South West Rugby allocation. It does set out details of the district centre in the outline approval for the Radio Station. In the District Centre: A supermarket (3,500m<sup>2</sup> net floorspace, including 1,050m<sup>2</sup> net comparison); Other A1 convenience units (350m<sup>2</sup> net); A1 Comparison units (2,240m<sup>2</sup> net); Service non A1 units (840m<sup>2</sup> net); Service class A2, A3, A4 and A5 uses (1,925m<sup>2</sup> net). It is intended that the district centre serve the day to day needs of a primarily local catchment area complementing, not competing with, Rugby Town Centre. The Houlton (former Rugby Radio Station) development allocation is likely to deliver c.6,000 dwellings. The South West is likely to be deliver c.5,000 dwellings. Therefore the district centre on the South West allocation is likely to be slightly smaller than that envisaged at the radio station.

4.19 At the heart of the district centre there should be a village square, providing a focal point and meeting place for the new South West residents. A variety of commercial and community uses should be located around the square to ensure it is active for most of the day. Residential uses on the upper floors will provide passive surveillance. These uses should include the proposed health centre, the police facility, community uses, shops and eating places and space for small business. Locating schools close to the centre is strongly encouraged to support its viability and vitality. Land within the district centre should be marketed for a two year period before alternate uses are considered.

## **Designing out Crime**

4.20 Under the Crime and Disorder Act 1998, local authorities have a duty to reduce crime. The 2019 NPPF recognises the importance of planning in designing out crime. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.21 To be fully effective careful consideration should be given to the elements of design that can influence crime at an early stage of the overall design process for development parcels; reflecting the fact that crime is not a stand-alone issue. This should include the context of individual development parcels in terms of existing and planned neighbouring land uses and their characteristics as well as planned access and movement between development parcels within the South West Rugby allocation and beyond.

4.22 Design and Access Statements submitted with planning applications will need to demonstrate their contribution to reducing crime and the fear of crime having regard to the principles above.

## **Education**

4.23 As set out in the Infrastructure Delivery Plan (as contained within Appendix M), two primary schools, each two form entry with at least one rising to three form entry, are required on allocation. Each primary school will require approximately 1.8 hectares of land to be provided to the Local Education Authority (LEA) for a 2 fe school, rising to 2.7 ha for a 3 fe school. It will be a matter for negotiation when the LEA would seek to take the freehold title of the primary schools but the Local Plan evidence suggests around 750 completions for the first school and 930 completions for the second.

4.24 A six form entry Secondary School is required on allocation and should be co-located with one of the primary schools. This will require approximately 8.1Ha of land to be provided to the LEA. Again, it will be a matter for negotiation when the LEA would seek to take freehold title of the secondary school but it would be sensible for the secondary school and the second primary school to be built at the same time.

4.25 When a school is delivered, the primary or secondary school land should be accessible and serviced to the boundary at this point. Applicants will be required to submit a study to ascertain whether schools can be built at the same time. This study would be submitted with the relevant application and be agreed by both the LEA and the local planning authority. The exact timing of when the primary and secondary schools will be required will be agreed as part of the application process and secured through a S106 agreement.

4.26 A financial contribution will also be required to Early years, Post 16 and Special Education Needs. Additionally, there will be a cost for pupil transportation to schools which will be calculated at the application stage. This will take account of any primary and/or secondary provision onsite.

4.27 The exact contribution requirement will be calculated by the LEA using their current funding formula and will be dependent on the number, mix and tenure of dwellings proposed in planning applications as well as any agreed delivery of the school by the developer in lieu of costs. This will be secured by a S106 agreement.

4.28 The masterplan in Appendix E identifies the indicative locations of the education provision throughout the allocation in sustainable locations and consistent with the phased delivery of the

allocation. The LPA will require as part of the planning applications the schools to be located in these indicative locations unless otherwise justified with evidence for alternative locations of the schools and how the locations satisfactorily contribute to the creation of a sustainable community and fulfil the requirements of the LEA. Proximity to the District Centre will be encouraged and needs to form part of the justification.

## **Parking**

4.29 The latest parking standards are contained within Appendix 5 of the adopted Local Plan. These parking standards cover all the land uses that will be provided on the South West Rugby allocation including residential, commercial, retail, schools, doctors' surgeries, day nurseries, playing fields and sports facilities, etc. Proposals are expected to meet these standards. Clear and convincing justification would be required where proposals fall below the numbers set out in the standards. Parking Spaces must meet the standards as set out in the most recent version of 'Manual for Streets' or any alternative document as advised by the Local Highways Authority.

4.30 In terms of the size and layout of parking spaces, for residential dwellings car parking should be on plot ideally at the front of or in between properties. Development designs that facilitate the use and help the retention of parking spaces will be encouraged. Landscaping at the front of properties should be provided to soften the impacts of parking.

4.31 The parking standards set out in the adopted Local Plan do not take into account commercial vehicle parking standards, which will be considered on the basis of individual planning applications in consultation with the Local Highways Authority.

4.32 The District Centre will contain a mix of uses and close to at least one school. This means that careful consideration will need to be given to how many parking spaces will be required to ensure safe and efficient movement, particularly at peak times of the day such as morning and afternoons in school term time, whilst ensuring that unnecessary car use is not encouraged. The provision of high quality, visible cycle parking will be required as part of the District Centre. In accordance with the parking standards in the adopted Local Plan the cycle parking should be covered and safe.

4.33 In addition to the parking standards set out in the adopted Local Plan for schools there is also a requirement for the provision of a bus/coach loading area whether provided on or off-site, for primary education and above, unless otherwise justified. Cycle parking is to be considered on an individual school basis.

4.34 The parking standards in the adopted Local Plan include cycle parking spaces for each type of development. Cycle parking spaces should be covered and safe. The provision of less formal, but still safe, cycle parking should also be considered as part of the Green/ Blue Infrastructure network. Interesting and innovative design of the cycle parking is encouraged. Electric Charging Points for electric and hybrid vehicles are required to be provided as part of development as outlined in the parking standards in Appendix 5 of the adopted Local Plan.

## **Ancient Woodland and Green/Blue Infrastructure**

4.35 The development of the allocation will need to be set within the context of the Green/Blue infrastructure network, enhanced by new planting and biodiversity improvements, public open space and children's play space and improved connectivity for walking and cycling. Cawston Spinney, Fox

Covert and Boathouse Spinney collectively provide a central asset within the development area, and should be at the heart of the strategic green/blue infrastructure network connecting with other Local Wildlife Sites such as Cock Robin Wood, open space, and biodiversity features. A central tenet of this SPD is to ensure that the green/blue infrastructure network includes the landscaped buffer between Dunchurch and Rugby to prevent coalescence between the two settlements and create a continuous Green/ Blue Infrastructure corridor between Cock Robin Wood and Cawston Spinney as required by Policy DS8.

4.36 Cawston Spinney is to be retained as a key feature at the heart of the development (supported by a woodland management plan) with an appropriate buffer and integrating into the Green/ Blue Infrastructure network. Appendix C to this SPD also identifies an indicative road layout and position of the spine road, incorporating an appropriate landscape buffer as required by DS8.

4.37 In addition to the buffer zone, careful consideration is required to the design, position and orientation of buildings in proximity to the ancient woodland in order to manage their impacts successfully and conform with the local plan and the NPPF. Detailed information at the planning application stage will need to be submitted with any planning applications identifying how proposals impact upon woodland and how the scheme conforms to the Woodland Management Plan, including how it takes into account both the buffer, and the surrounding land uses to mitigate impacts. Particular attention needs to be paid to impacts on biodiversity such as ensuring that lighting does not impact on any light sensitive species (should they be present) in the woodland such as lesser horseshoe bats. This is particularly important at the outermost edge of the buffer to ensure lighting does not penetrate the woodlands. This would need to be subject to an appropriate survey and lighting strategy which should demonstrate appropriate dark zones. Consideration should be given to positioning open space uses within or adjacent to the buffer as part of the Woodland Management Plan, which can count towards overall strategic open space as well as facilitating an appropriate lighting strategy. Open spaces adjacent to the buffer are required to be primarily semi-natural typologies. The framework masterplan appended to this draft SPD at Appendix E provides the strategic context for this.

### **Open Space**

4.38 Adopted Policy HS4 sets out standards for different types of open space that will be required from new development. This is shown in Table 1 below. The allocation's ecological constraints establish the strategic need to safeguard and enhance the green infrastructure network across the allocation including the creation of a continuous green infrastructure corridor between Cawston Spinney and Cock Robin Wood. The majority of this green infrastructure network will be publicly accessible, but it can include a variety of different types of open space including school playing fields. Natural and semi-natural open space should be located around Cawston Spinney to minimise the effect of built development upon the ancient woodland, forming a buffer zone from development. A minimum of 15 metres from the woodland edge should be maintained but in addition, natural and semi-natural open space should be located adjacent to the 15m buffer to minimise light pollution in the woodland. At the intersection of the outer edge of the buffer zone, there should be zero lux light spillage. The width of the open space should be adjusted to enable this feature to protect the woodland. Development beyond the 15m buffer zone, and open space in relation to the Cawston Spinney needs to ensure biodiversity and effects upon the ancient woodland is enriched rather than

adversely affected. Open space typologies in the buffer between Dunchurch and Rugby should not compromise the principle of maintaining separation and avoiding coalescence between the two settlements. The apportionment of open space between typologies is likely to favour natural and semi-natural typologies, rather than formal open space, playing pitches or associated built facilities, such as changing rooms, formal parks and gardens, and allotments in order to concentrate the need to maximise green infrastructure between Cock Robin Wood and Cawston Spinney. This will be negotiated on a site by site basis whilst adhering to the overall need to comply with policy.

Table 1 – Open Space Provision by Type

Policy assumes 2.4 people per dwelling – for 3,890 dwellings = 9,336 population assume 9,400

Open Space	Adopted Standard (ha per 1000 pop)	Provision required on-site (ha)	Comments on provision
Children's Play	0.2	0.2 x 9.4 = 1.88	Within residential development parcels or as buffers between parcels (See Appendix L also). Not located in the buffer between Rugby and Dunchurch.
Natural and Semi-Natural Green Space	2.5	2.5 x 9.4 = 23.5	Around woodland or part of GI network. Comparatively, more natural and semi-natural typology should be provided in favour of other typologies to maximise green infrastructure, especially within corridors and around Cawston Spinney.
Parks & Gardens	1.5	1.5 x 9.4 = 14.1	Not required as a typology on the South West. Should be diverted to natural and semi-natural typologies to be concentrated around Cawston Spinney
Amenity Green Space	1.1	1.1 x 9.4 = 10.34	This typology may be used in support of green infrastructure
Allotments	0.65	0.65 x 9.4 = 6.11	Not required as a typology on the South West. Should be diverted to natural and semi-natural typologies to be concentrated around Cawston Spinney
Outdoor Sports			Could be provided as extensions to existing clubs or close to district centre or as part of school provision with guaranteed public access.
Football	0.38	0.38 x 9.4 = 3.57	
Cricket	0.23	0.23 x 9.4 = 2.16	
Rugby	0.32	0.32 x 9.4 = 3.01	
<b>Total</b>		<b>64.67 Ha</b>	

## Ancient Woodland

4.39 Cawston Spinney is an area of mixed woodland, protected by a woodland Tree Preservation Order. Species present include Oak, Sweet Chestnut, Yew, Silver Birch, Scot's Pine, Larch, Ash, Holly, Beech, Hornbeam, Hazel (often as an understorey), and Elm. Areas of Cawston Spinney are designated

as ancient woodland. This means that it is unsuitable for development and any planning applications that involve the loss of any part of it, or any development that has a significant adverse effect upon it are likely to be refused planning permission. The presence of ancient Yew and Hornbeam indicates that in places the wood has remained untouched for a significant period of time. The definition of ancient woodland means that the area has remained wooded continuously since 1600 or earlier. This is therefore a significant biodiversity asset of national importance. Paragraph 175 (c) of the NPPF is clear that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons.

4.40 The Woodland management plan, details opportunities to protect and enhance biodiversity. These enhancements are to be measured through the locally derived Defra Biodiversity Net Gain metrics so that any gains can be used to offset any losses from the wider development area. Rugby Borough Council's Tree Officer and Warwickshire County Council Ecology have provided specific advice to inform this SPD. The woodland management plan will form part of the assessment process for planning applications and the extent to which proposals comply with Policies DS8, NE1 and NE2 of the adopted Local Plan and will need to reflect the Green/Blue Infrastructure network as detailed in Policy NE3.

4.41 Natural England's standing advice requires a minimum buffer zone of 15 metres around ancient woodland to avoid root damage and where assessment shows other impacts are likely to extend beyond this distance, a larger buffer zone may be needed. An arboricultural survey will need to be submitted with any planning application which incorporates or is in close proximity to Cawston Spinney which defines and justifies the buffer zone to be implemented. Early survey work indicates that a buffer zone of 20 metres around Cawston Spinney and its associated woodlands is required in places. Within the buffer zone no development, including surface water attenuation, servicing, parking, internal roads or other built elements will be permitted. The positioning of open space around Cawston Spinney and its associated woodlands, beyond the buffer, needs to ensure that potential impacts are avoided, including ensuring that no light impacts on this biodiversity asset. Dark zones need to be identified as part of a lighting strategy to ensure that zero lux penetrates beyond the outer extent of the tree buffer around Cawston Spinney. Surface water run off may affect how development affects the woodland as parts of the site are undulating, which needs to be taken into account in terms of design.

4.42 Proposals will need to take account of the proximity and height of buildings and their lighting effects, as well as the impact upon the tree canopies. Some trees are approximately 20m in height, which has implications for very tall structures in proximity to the woodland. Careful design management will be required as a result at a structural level, with the woodland at the centre of the design process. Natural England and/or Warwickshire County Council Ecology will be consulted to comment further on this aspect in detail at the planning application stage.

4.43 The initial period of the woodland management plan will cover the first 10 years of management in detail but with objectives for management in perpetuity. It will need to demonstrate how the costs to implement the prescribed management objectives will be sustained into the future. This is a prerequisite of biodiversity net gain principles although it is understood that the management plan will be subject to changes evidenced by monitoring.

### **Green/Blue Infrastructure**



4.44 Green/Blue Infrastructure provides the wider spatial element that links together known assets both internal to the development area (such as Cawston Spinney and Cock Robin Wood) and those external (such as Draycote Water and the disused railway lines). This SPD outlines these wider spatial elements of connectivity, open space and public access detailing how it links into the wider environment. The actual details will be a matter of development design and the retention of key connecting features such as hedgerows, ponds, ditches and other green/blue infrastructure assets and how they are integrated into the future layout. Diagrams 1 and 2 below shows how new development can help enhance biodiversity. These are key principles in line with the requirements of Policy NE3 of the adopted Local Plan.

4.45 Overall, the following will be required unless otherwise agreed with the County Ecologist;

- A Green/Blue Infrastructure link from the disused railway, through Cawston Spinney, to Cock Robin Wood to include a dark corridor including 'hop-overs' where the corridor crosses roads;
- The Woodland Management Plan for Cawston Spinney and woodland buffer zone;
- A minimum 30m buffer zone to Cock Robin Wood;
- Low and zero lux levels for bats;
- Complementary links running north/south to wider assets and internal within the development area itself.

4.46 These key requirements will be formed from the retention and creation of:

- Woodland and their buffer zones
- A buffer zone beyond the outer extent of the retained tree canopies and hedgerows;
- Ponds, ditches (including sustainable drainage features) and their associated buffers;
- Open space provision that contains biodiversity features as well as children's play space, paths and cycle routes.
- School grounds that contains biodiversity features

Diagram 1 – Possible Biodiversity Enhancements to enable species movement

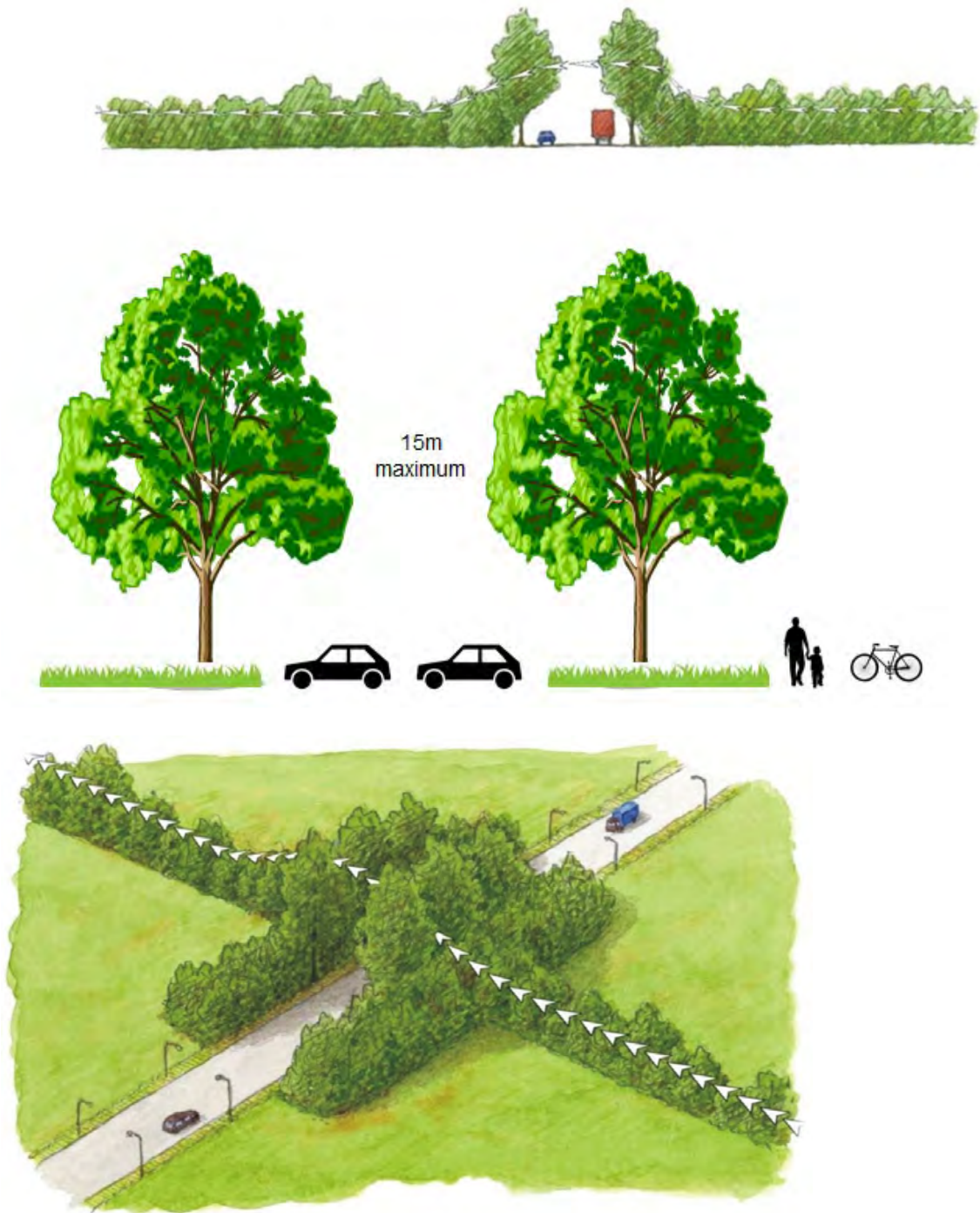
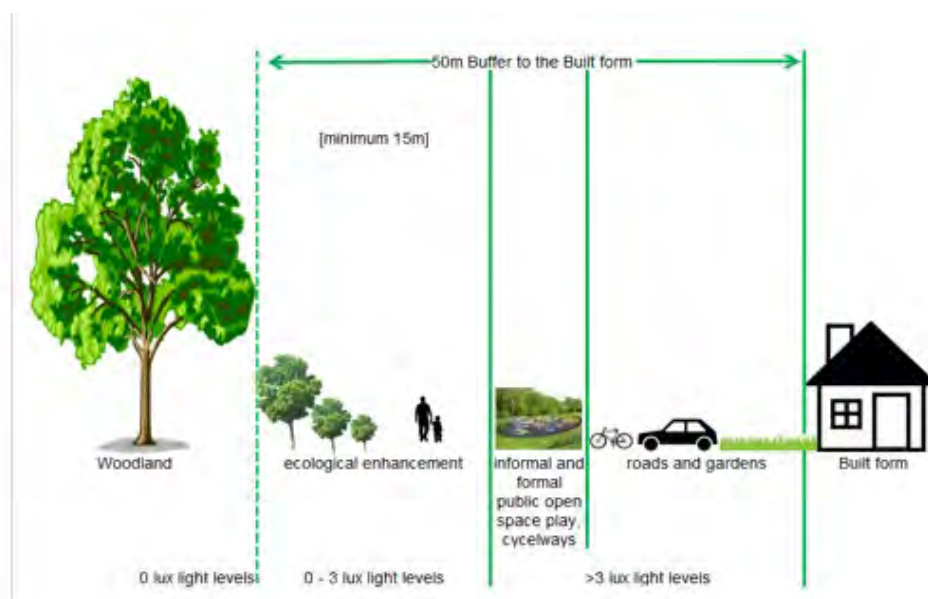


Diagram 2 – Ensuring Development aids light sensitive species



4.47 Policy NE1 and the NPPF require development to show measurable biodiversity net gains. In Warwickshire Biodiversity Net Gain is measured through the Warwickshire, Coventry and Solihull Biodiversity Impact Assessment (BIA) tool, which is derived from the Defra metrics (Defra 2012, as amended). This SPD supports this approach and has established a baseline figure for each land parcel within the development zone. This baseline is provided in Appendix K. From this baseline, to be reassessed as part of individual applications, and the use of the BIA tool each developer is able to evaluate the biodiversity impact of their proposal; be this impact a gain or a loss as ‘units’. The developer is then able to trade these units either between other developers or arrange offsets of an equivalent units elsewhere within the Borough or as a last resort County. Biodiversity Net Gain is managed through Warwickshire County Council Ecology who may be able provide assistance with the Biodiversity Net Gain calculations and securing offsets. The biodiversity gain or loss for each development will be acknowledged and recorded either once planning permission is granted for the development or through the discharge of a condition or obligation. Similarly, any need to compensate of a biodiversity loss will be secured through a planning condition or section 106 obligation.

### Rugby to Dunchurch Landscaped Buffer

4.48 Policy DS8 requires that development proposals respect and maintain a physical and visual separation between Rugby and Dunchurch to prevent coalescence and protect their individual character and identity. The buffer is required to be significant and incorporate a Green Infrastructure Corridor from Cock Robin Wood to Cawston Spinney. The buffer is shown on the Masterplan in Appendix E of this document. More detailed drawings showing the proposed buffer are set out in Appendix O at the end of this document.

4.49 The physical separation, or buffer width, will vary between the Rugby and Dunchurch. The buffer has been divided into three sections to enable clarity for the planning applicants and in application decision-makers in terms of the size, form and function of the buffer. When preparing planning applications planning applicants should have regard to the following requirements for each section of the buffer which are also illustrated on the attached buffer diagrams below.

#### Section 1 – Cock Robin Wood to Alwyn Road

4.50 As the inter-visibility between the two settlements is limited it is considered acceptable to reduce the distance of physical separation subject to the retention and strengthening of existing planting along Rugby Road (A426), Northampton Lane and Alwyn Road as well as the introduction of new planting of a similar type to the existing (in terms of height, depth and species mix) along the south of the Link Road and along the outer southern and western boundaries of the new residential development. The objective should be to maintain the existing character of frequent glimpses of development through hedgerow and tree planting that varies in height and depth. This will also strengthen the existing green infrastructure network. Land uses within the buffer will also provide opportunities to strengthen the existing green infrastructure network through habitat creation (including the creation of a continuous tree canopy between Cock Robin Wood and Cawston Spinney to provide habitat for bats) and the introduction of recreational routes, seating areas and informal/ semi-natural play areas.

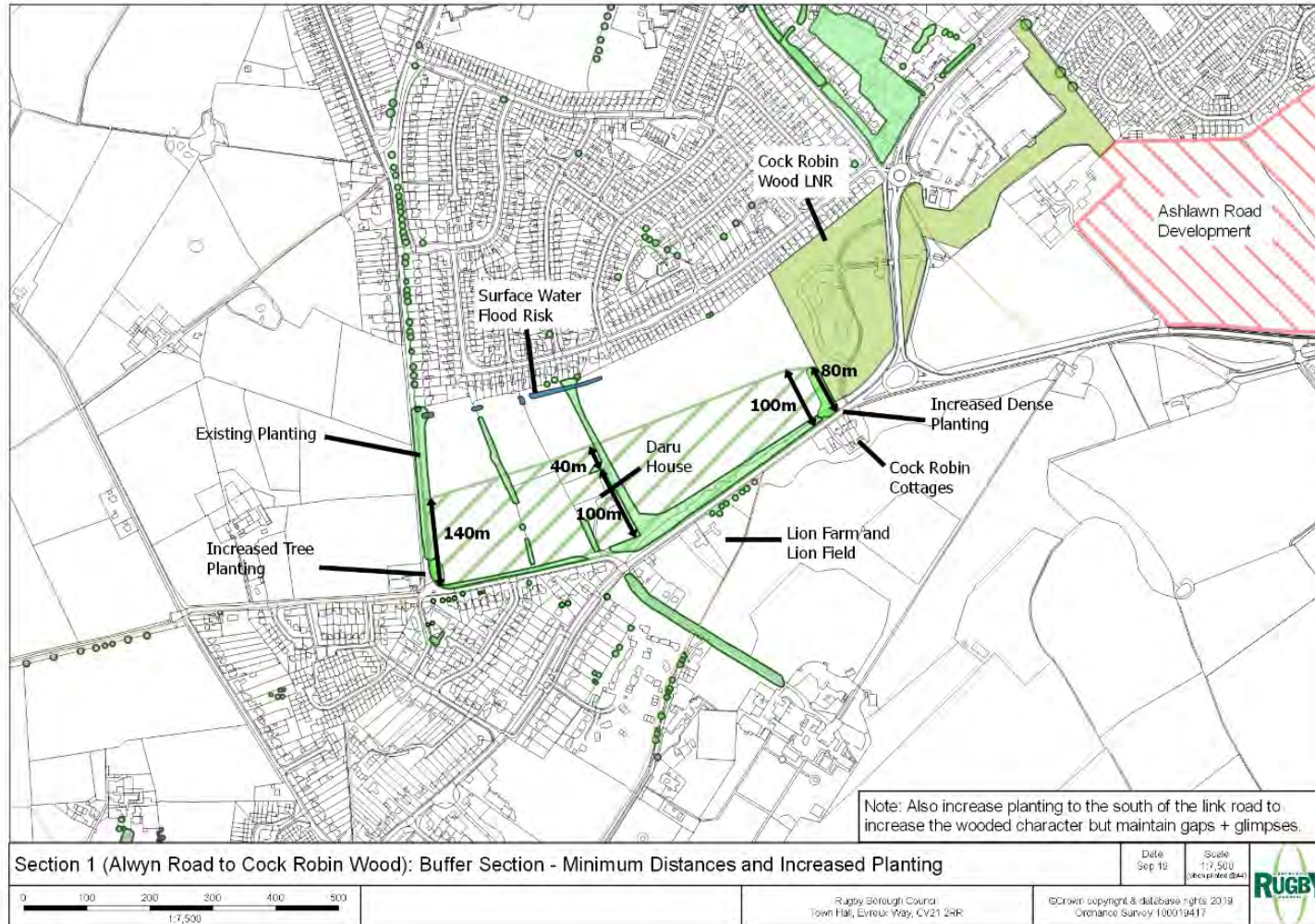
4.51 Uses within the buffer should be informal uses with the objective of maintaining the existing character of this section, e.g. planting as described above as well as habitat creation in accordance with the Biodiversity Action Plan; informal recreational uses such as recreational walking, cycling and running routes; seating areas; and informal/ semi-natural play areas. Formal playing pitches, changing rooms and community buildings are considered inconsistent with the existing open character and functional relationship between the two settlements and so would not be appropriate land uses within the buffer. Raised land or man-made features such as bunds would also not reflect the existing flat and open topography of the land between the two settlements and is not a characteristic of this landscape.

4.52 Surface water flooding occurs to the rear of properties to the south of Montague Road in the north eastern part of Section 1. Flood risk management seeks to manage flows where they occur, consequently it is not appropriate to include flood attenuation in the buffer area. Small scale drainage may be appropriate within the buffer, particularly in relation to the Link Road. Further discussion is required with WCC Highways to confirm if this will be necessary in terms of the design of the Link Road. The size of the landscaped buffer in Section 1 (see diagram 3 below) should be as follows:

- Between Rugby Road (A426) north of Cock Robin Cottages and the southern boundary of the new residential development the buffer should be no less than 80 metres, assuming the roundabout is further west than the 'Atkins' alignment. This is in order to minimise any impact on the setting of the Cottages and protect and strengthen the existing green infrastructure links between Cock Robin Wood and the trees and hedgerows along Rugby Road/ Northampton Lane and at Bilton Grange. It is particularly important in terms of habitat protection that the continuous tree canopy between Cock Robin Wood and the trees that border Rugby Road and Northampton Lane are maintained and strengthened.

- Between Rugby Road (A426) north and the southern boundary of the new residential development the buffer section that contains the roundabout should be no less 100 metres including the roundabout and the roundabout arms. This is to maintain the physical separation between Rugby and Dunchurch whilst recognising that the existing green infrastructure that currently borders Rugby Road can be strengthened both to minimise the visual impact of the roundabout and associated highway as well as to maintain and strengthen the continuous tree canopy Cock Robin Wood and the trees that border Rugby Road and Northampton Lane.
- Between the northern extent of the garden of Daru House and the southern boundary of the new residential development the buffer should be no less than 40 metres including the total width of the Link Road with both verges of 20 metres to the southern edge of the Link Road. This is to ensure an adequate separation between the existing residential property and the Link Road.
- Between the northern verge of Northampton Lane and southern boundary of the new residential development the buffer should be no less than 140 metres including the total width of the Link Road with both verges. This is to maintain the existing open character and physical separation between Rugby and Dunchurch.

Diagram 3 – Proposed Buffer on Eastern portion of allocation



## Section 2 – Alwyn Road to Cawston Lane

4.53 Compared with Section 1, Section 2 is more open with less existing tree and hedgerow planting. As the inter-visibility between the two settlements is limited it is considered acceptable to reduce the distance of physical separation subject to the significant strengthening of existing planting along Northampton Lane and Alwyn Road as well as the introduction of new planting along the south of the Link Road and along the outer southern boundaries of the new residential development. The objective should be to maintain the existing character of some open views and frequent glimpses of development through hedgerow and tree planting that varies in height and depth.

4.54 As with Section 1 land uses within the buffer will provide opportunities to strengthen the existing green infrastructure network through habitat creation, the introduction of recreational routes, seating areas and informal/ semi-natural play areas. The creation of a continuous tree canopy referred to in Section 1 should continue through Section 2 as part of the buffer between Rugby and Dunchurch providing habitat for bats between Cock Robin Wood and Cawston Spinney.

4.55 As with Section 1, functional separation should be maintained to ensure a clear physical distinction between the two settlements reflecting the existing open character and the absence of built form between the two settlements. This means that the buffer should be open with no buildings and structures.

4.56 Uses within the buffer should be informal uses with the objective of maintaining the existing character of this section, e.g. planting as described above as well as habitat creation in accordance with the Biodiversity Action Plan; informal recreational uses such as recreational walking, cycling and running routes; seating areas; and informal/ semi-natural play areas. Formal playing pitches, changing rooms and community buildings are considered inconsistent with the existing open character and functional relationship between the two settlements and so would not be appropriate land uses within the buffer. Raised land or man-made features such as bunds would also not reflect the existing flat and open topography of the land between the two settlements and is not a characteristic of this landscape.

4.57 Surface water flooding occurs to the south east of the pond to the south of Dunkleys Farm in the north eastern part of Section 2 and in small pockets at Cherry Tree Farm, adjacent to the telephone exchange and in some of the fields in the northern part of Section 2. Flood risk management seeks to manage flows where they occur, consequently it is not appropriate to include flood attenuation in the buffer area. As in Section 1, small scale drainage may be appropriate within the buffer, particularly in relation to the Link Road. Further discussion is required with WCC Highways to confirm if this will be necessary in terms of the design of the Link Road. The size of the landscaped buffer in Section 2 (see diagram 4 below) should be as follows:

- Between the northern verge of Northampton Lane and southern boundary of the new residential development the buffer should be no less than 100 metres including the total width of the Link Road with both verges. This is to maintain the existing open character and physical separation between Rugby and Dunchurch.

- Within this total buffer width of at least 100 metres, the buffer between the northern extent of the garden of Cherry Tree Farm residential property and the southern boundary of the new development should be no less than 40 metres including the total width of the Link Road with both verges of 20 metres to the southern edge of the Link Road. This is to ensure an adequate separation between the existing residential property and the Link Road, mirroring the separation found in section 1 for Daru house.

### Section 3 – Cawston lane to the South West Rugby allocation boundary North of B4429

4.58 Currently in Section 3 there is no visual or physical relationship and only a limited functional relationship between the settlements of Rugby and Dunchurch. However, the parcels of future development will change this relationship. These are land north of Coventry Road (Area 1), land west of Cawston Lane (Area 2) and land adjacent to Windmill Farm (Area 3). In particular development will reduce the distance of physical separation between the two settlements but it should not result in continuous development between Dunchurch and Rugby.

4.59 The Section 3 buffer should provide separation between the southern extent of the new residential development Area 2 and the northern extent of the new residential development Area 1. This Section of the buffer will include the Link Road but should continue the form and function of the Section 2 buffer, described in Section 2 above. This buffer should continue southwards along the western boundary of the South West Rugby allocation providing physical separation between the new residential development Area 1 at Dunchurch and the new residential development Area 3, north of Windmill Lane and south west of Cawston Spinney. The Section 3 buffer will also continue northwards to link to Cawston Spinney creating a continuous green infrastructure corridor to Cock Robin Wood and beyond to the Rainsbrook Valley. As with Sections 1 and 2, functional separation should be maintained to ensure a clear physical distinction between the two settlements reflecting the existing open character and the absence of built form between the two settlements. This means that the buffer should be open with no buildings and structures.

4.60 Uses within the buffer should be informal uses with the objective of maintaining the existing character of this section, e.g. planting as described above as well as habitat creation; informal recreational uses such as recreational walking, cycling and running routes; seating areas; and informal/ semi-natural play areas. Formal playing pitches, changing rooms and community buildings are considered inconsistent with the existing open character and functional relationship between the two settlements and so would not be appropriate land uses within the buffer. Raised land or man-made features such as bunds would also not reflect the existing flat and open topography of the land between the two settlements and is not a characteristic of this landscape.

4.61 It would also be appropriate for the furthest west part of the buffer, between the north west boundary of Area 1 and the southern boundary of Area 3, to be retained in agricultural use. This would create a more gradual transition to the wider countryside beyond the South West Rugby allocation boundary.

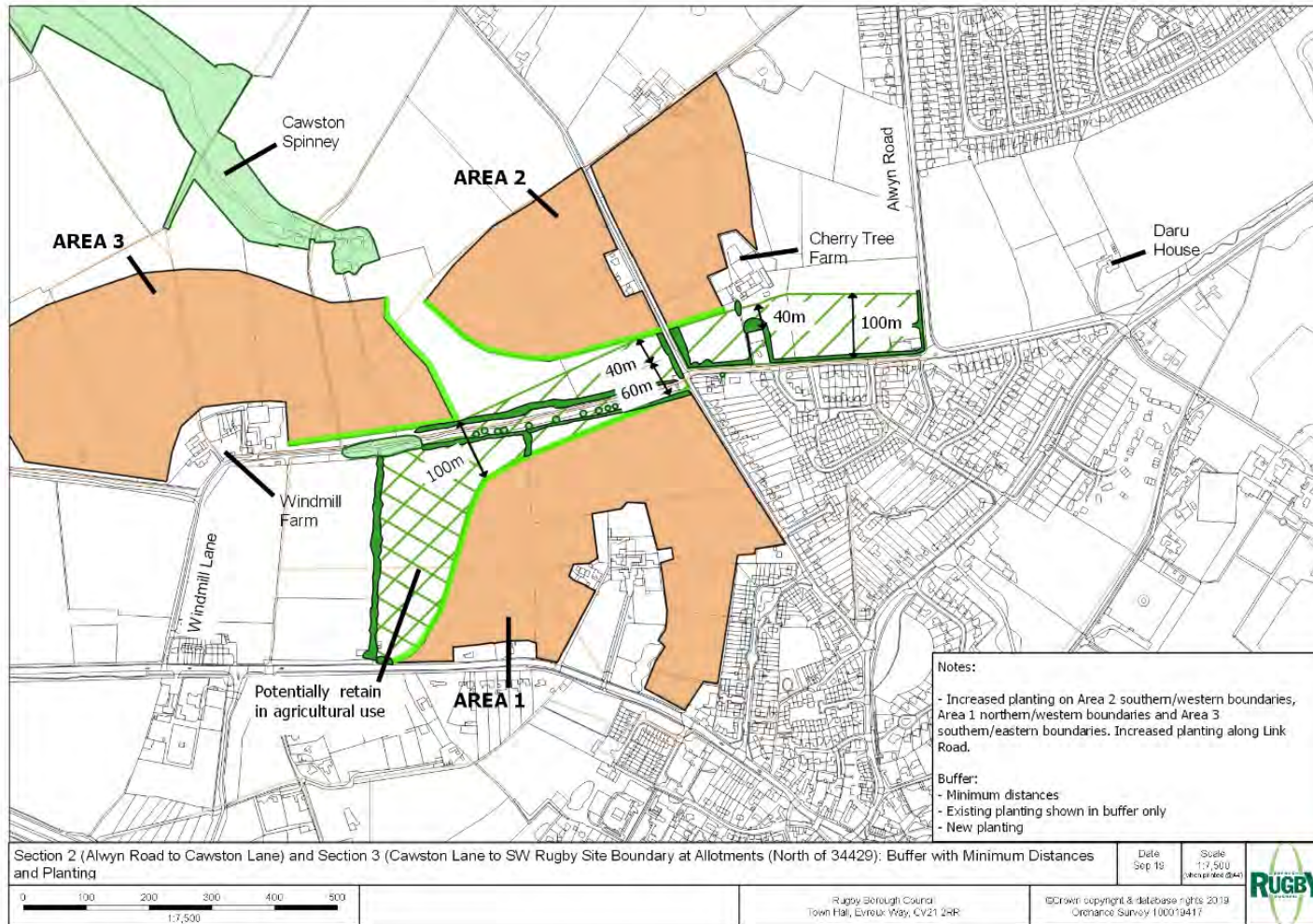
4.62 Surface water flooding occurs along the National Cycle Route 41/ Public Bridleway and around the pond that is north east of Windmill Farm and south of Cawston Spinney. There are also small pockets along the field boundaries to the north and south of the National Cycle Route 41. Flood risk management seeks to manage flows where they occur, consequently it is not appropriate to include



flood attenuation in the buffer area. Small scale drainage may be appropriate within the buffer, particularly in relation to the Link Road. Further discussion is required with the Local Highways Authority to confirm if this will be necessary in terms of the design of the Link Road. The size of the landscaped buffer in Section 3 (see diagram 4 below) should be as follows:

- Between the southern extent of the new residential development Area 2 and the northern extent of the new residential development Area 1 the buffer should be no less than 100 metres. This is to ensure that a clear physical distinction between Dunchurch and Rugby is maintained.
- Between the southern extent of the new residential development Area 3 and the northern extent of Area 1 the buffer should continue southwards and should be no less than 100 metres. This is to ensure that a clear physical distinction between Dunchurch and Rugby is maintained.

Diagram 4 – Proposed Buffer on Central and Western portion of allocation



## Movement and Access

4.63 A choice of routes will help to disperse traffic from the allocation and opportunities exist to provide new highway infrastructure to deliver high quality, direct links between the A426, Coventry Road and the M45/A45. These new routes, as identified in Policy DS9, will deliver significant benefits to the local highway network and its environment, in particular Dunchurch Crossroads which is already operating above capacity. The IDP as appended to the adopted Local Plan indicated a timescale for delivery of each of the three main components of the spine road network through the allocation. Appendix F to this SPD provides detail of the phasing of development, including the spine road, where the Homestead Link is required in an early phase in order to successfully mitigate the transport impact of the development on the surrounding highway network. Other mitigation requirements are listed in Table B of Appendix M, which together with Appendix F sets out the indicative costs and phasing which will inform planning applications for any development proposals on the allocation.

4.64 Along with new highway infrastructure, pedestrian and cycle routes are required to be incorporated into the built form, including the Sustrans Cycle route along the disused railway line and the National Cycle Network Route 41. Existing public rights of way within the allocation should also inform the layout of development. New pedestrian and cycle infrastructure should be provided along key highway routes and within the Green/Blue infrastructure network and in areas of open space enabling recreational use as well as active travel.

4.65 Development of the allocation will require the extension of existing bus services from the urban area. Internally this in turn connects through the development area with the key spine roads identified in Policy DS9 designed to accommodate bus routes. Suitable infrastructure such as bus stops and associated features will be required along these routes and incorporated into the layouts at the design stage, thereby building in sustainable transport choice. This will be developed further in conjunction with the Local Highways Authority, the service provider and developers of individual development parcels.

4.66 Both the Council and the County Council have recently declared a Climate Emergency and are therefore keen to maximise the potential for sustainable transport to reduce the environmental impacts of new development. This is particularly important in the case of the major new housing and employment proposals at South West Rugby. The Sustainable Transport Link (STL) is required to provide fast and efficient bus access to serve the proposed SW Rugby allocation. It is also required to provide a safe and attractive route for pedestrians and cyclists. It is not proposed to enable general traffic to use the STL as a through route as this would potentially reduce the attractiveness of bus as an alternative to the private car and make the route less attractive for pedestrians and cyclists. Opening the STL as a through route to all traffic is also likely to have the following implications:

- (a) It would encourage HGVs to route via the residential parcel to the east of the proposed employment allocation and other residential areas which would have detrimental environmental, road safety and amenity implications.
- (b) It would encourage HGVs to route via other established residential areas in Rugby via A426 Dunchurch Road which feeds onto Rugby Gyratory where there is a recognised air quality problem.

(c) It would reduce the potential use of the Potsford Dam Link and the A4071 Rugby Western Relief Road thus enabling HGVs and general traffic to avoid Rugby Gyrotory where opportunities for further capacity improvements are limited.

4.67 Landowners and/or developers are encouraged to work together to provide specific pieces of evidence across the whole allocation. A Transport Assessment (TA) will be required to support applications within the allocation. A TA must demonstrate to the satisfaction of the Local Highways Authority and the Local Planning Authority that on-site and off-site measures will mitigate the transport impact of development. Where there are separate TAs within the allocation these should include sensitivity testing to understand the cumulative impact on highways of development of the parcel in the context of development across the whole allocation, even where these parcels have not yet been granted permission.

4.68 The Local Highways Authority, will be consulted on the detailed layout of all accesses and roads as part of future planning applications. Schools and residential developments should be positioned on secondary roads.

4.69 Pedestrian routes and cycling paths will be required to connect housing with the other uses found on the allocation. They should also provide comprehensive walking and cycling connections to adjacent developed areas, this is required under Policy DS5. New residents should be able to reach local destinations by cycle or on foot and not have to make long detours. More access points should be provided for pedestrians and cyclists to encourage more active travel. Signage of pedestrian and cycle networks within the development allocation should ensure that key locations (such as schools, play areas) within the allocation are easily accessible. Signage should include direction, destination and distance as appropriate to raise awareness of the pedestrian and cycle links from the allocation.

4.70 The internal network of roads and streets should be designed so that cyclists can be accommodated safely within the road network. The cycle network across the allocation should meet the following criteria:

- Where traffic levels are higher, along the primary roads, dedicated provision for cycling which is segregated from traffic is required;
- Interruptions to routes which require cyclists to stop and start should be minimised; and
- Suitable crossing points are required for crossing the primary roads.

4.71 Cycling provision on the road network should be complemented by traffic-free routes along green corridors and through open spaces where appropriate. This can provide a more direct and attractive alternative to the road network. Contributions may be required to help these 'off-road' routes.

## **Employment**

4.72 DS8 of the Local Plan includes the allocation of 35Hectares of land for B8. Although the Local Plan does not identify within the allocation where the employment land should be located, the masterplan at appendix E shows the indicative location of the employment to be located off the M45/A45 roundabout and therefore allowing direct access onto the strategic road network. Whilst

providing excellent highway connectivity, the location on the edge of the allocation of employment units has the potential for significant visual impacts to the surrounding countryside and the conservation area in the adjacent village of Thurlaston. The village is located to the south of the A45 and approximately 300m south of the allocation. Policy DS8 contains provisions specific to employment proposals on the allocation, to ensure this impact is mitigated through appropriate design and landscaping measures, including structural landscaping.

4.73 Restricting building heights to no more than 18 metres for those units within the allocated area and to no more than 15 metres for those units which are on the boundary of the allocation – for any units south of the Northampton Lane - will play a key part of limiting the impact on the surrounding countryside and also Thurlaston conservation area. Any submissions should also avoid the use of one solid colour block on the buildings.

4.74 Extensive planting of large native trees will not only assist in the screening of new units but also contribute to the wider GI strategy of the allocation, which already has many mature native trees benefiting from Tree Preservation Orders. Structural landscaping is a specific requirement of DS8 in respect of the employment land. To achieve this natural screening to allocation boundaries must be provided which create an attractive and natural setting for the development. The objective is to mitigate any negative views from the surroundings locations including outside of the allocation, within the countryside, adjacent neighbours and Thurlaston Conservation Area. Unless justified, existing vegetation must be retained and supplemented with new planting. Native species must be used where appropriate to enhance local biodiversity and contain a mixture of deciduous and evergreen species to maintain visual interest across the seasons. Typically a structural landscape can comprise either a combination of existing retained vegetation and proposed planting or all new planting where there is no existing vegetation on site. It is for the applicant to demonstrate the structural landscaping provided meets the provisions of DS8 and the guidance contained within this SPD. Any planting proposals should be respectful of the existing species composition on site.

4.75 Given the indicative location of the employment within the allocation, boundary treatments are particularly important. This should be of a character and scale to suit the location. The LPA is in receipt of a planning application for employment uses at this location. This application is yet to be determined. If subsequent or varied applications are submitted in respect of this same parcel of land such application still comply with the provisions of this SPD. Likewise, as paragraph 1.7 makes clear, if the safeguarded land, or any other location within the allocation, is brought forward within the plan period it would also need to comply with the provisions of this SPD, including payment of the tariff in Appendix N. The application of a buffer for Cawston Spinney as required by DS8 will apply to this location and as will the need for structural landscaping, as well as height limitations on units.

## **5. Delivery and Phasing Assumptions and Planning Application Requirements**

5.1 The provision of necessary infrastructure to deliver the SW Rugby allocation is outlined in the IDP and links in with the Local Plan monitoring framework. In order to secure the comprehensive development of the allocation DS8 requires the allocation to be phased with the detail contained within this SPD. It is a long-term development which is expected to be delivered over a 20-year period that goes beyond the time horizon of the Local Plan. Appendix M of this SPD sets out the strategic mitigation measures and the cost of each item. The indicative phasing of the allocation is contained within Appendices F and G of this document. The phases contained within appendices F and G are informed by the adopted Local Plan.

Planning applications for development within the allocation must be informed by this SPD. The delivery of infrastructure and phasing of the allocation will be governed by the following principles, unless a convincing justification can be provided to depart from this approach:

- Infrastructure should be provided in line with the appropriate phases set out in the Infrastructure Delivery Plan (IDP) and Appendices F and G, in order to mitigate the impacts of the development, particularly in terms of transport.
- Delivery of the full spine road network as early as possible post commencement of the site, with the Homestead Link begin the first element, in accordance with the phasing milestones identified in the IDP, this SPD and in particular Appendices F and G.

The phasing of the allocation is extremely important to the successful and timely delivery of the site, not least because of the known lack of capacity at Dunchurch crossroads, but also because of the multiple allocation promoters and multiple applications likely to be submitted for the allocation. The implementation of the phasing plan is essential to the sustainable delivery of the S W Rugby allocation even though this may not align with the original phasing envisaged in the adopted local plan. It is therefore essential that each phase and parcel is approached as part of the larger redevelopment of the site.

As set out under 'Allocation wide documents' at section 1.11 of this SPD, all planning applications within the allocation must accord with the allocation wide masterplan, an allocation wide infrastructure delivery strategy and an allocation wide phasing strategy. It will therefore be necessary for each parcel, if submitted through a separate planning application, to reflect its position and relationship in the wider allocation site.

### **Phased Delivery of the Allocation**

5.2 Appendices F, G and M will inform the build out of the allocation, assisting with the implementation of relevant policies of the adopted Local Plan, in particular Policies DS8 and DS9 in the determination of planning applications for development within and in the vicinity of the allocation. It will be essential that the necessary infrastructure is delivered at the right time, to avoid the risk of planning applications being refused due to the necessary infrastructure not being in place and having harmful impacts. For example, the Council will require the Homestead Link to be delivered in its entirety to ensure that no significant adverse impacts upon the highway network occur.

5.3 There is expected to be some overlap between the phases as identified in Appendix F, and some key infrastructure may be delivered through 2 phases rather than fitting neatly into one. In addition, there will be some infrastructure such as the provision of open space and the provision of the high quality cycling network which are expected to be delivered through the life of the plan.

5.4 For local infrastructure each planning application will be expected to deliver specific local on-site infrastructure as part of its planning application and secured through planning conditions and Section 106 planning obligations and Section 38 /278 highway agreements to mitigate its localised impact (such as surface water drainage and balancing, connection to utility infrastructure). Other items such as affordable housing and other on-site costs such as utility diversions, decontamination of any land, protected species mitigation and management will also be the responsibility of the individual developer. These items will be expected to be delivered at the developer's cost as part of the cost of developing the land in question.

5.5 Every planning application for development within the allocation will be expected to pay a tariff for relevant strategic infrastructure. This will ensure strategic infrastructure is delivered in a coordinated and integrated way and funded in a way which is fair and equitable. The means of securing the funding required to deliver this infrastructure (both in terms of build and land costs) and safeguarding the land is set out in sections 7, 8 and appendix N of this SPD.

## **6. Infrastructure Requirements**

6.1 Local Plan Policies DS8 and DS9 and the associated Infrastructure Delivery Plan (IDP) identify the main strategic infrastructure required to mitigate the impacts of development of the allocation. Local infrastructure may be required in addition for specific planning applications within development parcels, but this will only be known when dealing with detailed planning applications, such as localised changes to highway accesses. It is important that due to their localised nature these cannot be quantified into a tariff system and these costs/requirements will be expected to be met by developers and landowners in addition to the requirements of this SPD.

6.2 The costings contained in the IDP are only indicative and will need to be revised as more detailed work is undertaken. In respect of the spine road network, as required by Policy DS9, the indicative alignment of the spine road network is appended to this SPD as Appendix C, with the detailed refinement to follow as planning applications/permissions come forward, which will reflect how this could be delivered whilst adhering with other policy objectives, such as the need to avoid coalescence. The final alignment of the spine road will be agreed by the site promoters, the Highway Authority and the Local Planning Authority.

### **Highways Infrastructure**

6.3 Policy DS9 is clear that no development of the site can come forward without the provision of the Homestead Link element of the spine road within an early phase, unless demonstrated to the satisfaction of both the Local Highways Authority and the Local Planning Authority that no significant impact on the Dunchurch Crossroads will occur as a result of that development. This will need to be demonstrated by allocation wide modelling. Policy DS9 is fundamentally linked with the phasing of the development. The Homestead Link unlocks the site. This is to ensure that significant adverse impacts of development upon the highway network do not occur, particularly on the highway network within the immediate vicinity of the site.

6.4 Further site specific infrastructure may be required based on the impacts of the proposals on a site by site basis, but will be linked to the requirements of this SPD. A range of utilities related infrastructure will also be required such as power, surface water, flood attention, broadband, noise mitigation and foul drainage. Provision for these will need to be made in line with the requirements of each phase of development and ensuring that provision is co-ordinated between phases.

6.5 The Infrastructure Delivery Plan is contained within Appendix 3 of the adopted Local Plan and the key elements for this site are set out in Appendix M to this SPD. Appendix 3 of the Local Plan details the essential measures required to ensure that the development of the allocation can be implemented in full. The IDP is a living document and will be periodically updated as part of the annual Authority Monitoring Report. Whilst indicative phasing of the infrastructure details are included within this SPD, any updates will be appended to the IDP via the monitoring system to ensure the phasing plan similarly remains up to date. It is essential that the development of the site is taken forward in a co-ordinated and cohesive manner to ensure it is brought forward sustainably and achieves the objectives of this SPD and delivers on its strategic requirements of the Local Plan.

6.6 The phasing plan for the allocation area is attached as Appendices F & G. This shows how development will need to be delivered in line with the transport requirements of specific pieces of



infrastructure as detailed in the Infrastructure Delivery Plan. Delivery of the Homestead Link will need to be constructed in its entirety to minimise impacts upon the highway network and to relieve pressure on areas such as the Dunchurch Crossroads. The key issue is to ensure that there is a balance between the housing and employment needs and their impacts upon infrastructure delivery, which will need to be closely monitored. It is essential that highway infrastructure is delivered in a timely manner aligning with growth on the allocation to ensure the wider South West allocation is not compromised by lack of appropriate mitigation. This is what DS9, the IDP and this SPD require. The highway authority does not have the resources to deliver this transport infrastructure so will require the developers to do so either individually or collectively. This could be achieved through individual planning applications, pooled S106 obligations or both.

6.7 A draft indicative Homestead Link alignment has been produced by consultants on behalf of both the Local Highway Authority and the Local Planning Authority to demonstrate how the Homestead Link can be delivered whilst being policy compliant and taking into account relevant constraints. This alignment demonstrates that the potential competing priorities of preventing coalescence between Rugby and Dunchurch whilst providing essential infrastructure can be envisaged in this location. This indicative alignment is attached as Appendix C.

6.8 Overall infrastructure costs of the South West Link Road, a collective term for the Homestead Link, the Cawston Lane re-routing and the Potsford Dam Link (including Cawston Bends and the Potsford Dam roundabout improvements), are shown in Table B of this SPD. Contributions to the provisions of the South West Link Road will be sought as planning applications for development parcels within the allocation come forward. The Potsford Dam Link will need to be in place by 2031, unless an alternative option can be identified which performs the same function, to the agreement of the Highways Authority and Highways England.

6.9 Key pieces of highway infrastructure to be delivered as part of the South West Rugby development include the 'Homestead Link' and the 'Potsford Dam Link' elements of the South West Rugby Spine Road network. These mitigation measures, based on the Local Plan evidence from the 2017 Strategic Transport Assessment, informed Policies DS8 and DS9 (particularly the latter). Alongside these larger schemes there will be a number of smaller local highway schemes that will be required.

6.10 Policy DS9 sets out the requirement for a comprehensive spine road network, and its allocation is an integral part of proposals for the site. Links from the allocation into the existing pedestrian and cycle network within and near to the allocation will be required, including the Sustrans National Cycle route 41, together with a route along the disused railway line to the West of the allocation, known as the Cawston Greenway. Existing public rights of way within the allocation will also need to be incorporated into the layout of new development to ensure pedestrian permeability, this may include diversion. These routes are shown in Figures 6 and 7 below and will form the foundations of the allocation's walking and cycling network required by Policy DS 8 creating high levels of accessibility within the allocation boundary and beyond, contributing to reducing the impacts of the development on the wider area.

## Cycling

6.11 Figure 7 shows the National Cycle route 41, aiming to join Rugby to Bristol. This route passes through the allocation and thus provides the opportunity to help deliver this part of the network. This would be achieved by providing a 2.7km section of surfaced cycle track along the disused railway line between Rugby and Leamington Spa (known as the Great Central Way). The B4429 Ashlawn Road connects to the Great Central Way cycle track, providing a traffic free cycle route. There is potential to widen the existing cycling infrastructure between the Dunchurch Road junction and the Great Central Way. Dunchurch Road (A426) will remain the most direct cycle route between much of the allocation and Rugby Town Centre. There will be a need to upgrade the existing cycling infrastructure on this corridor to cater for the higher cycle usage which will be generated by this major urban expansion. Given the scale of development proposed here there will be additional, secondary cycle routes required to link the development areas to key destinations. For some parts of the allocation it may be more direct to connect to the Dunchurch Road via alternative routes through the allocation rather than via the spine road.

Figure 6: Warwickshire Public Rights of Way

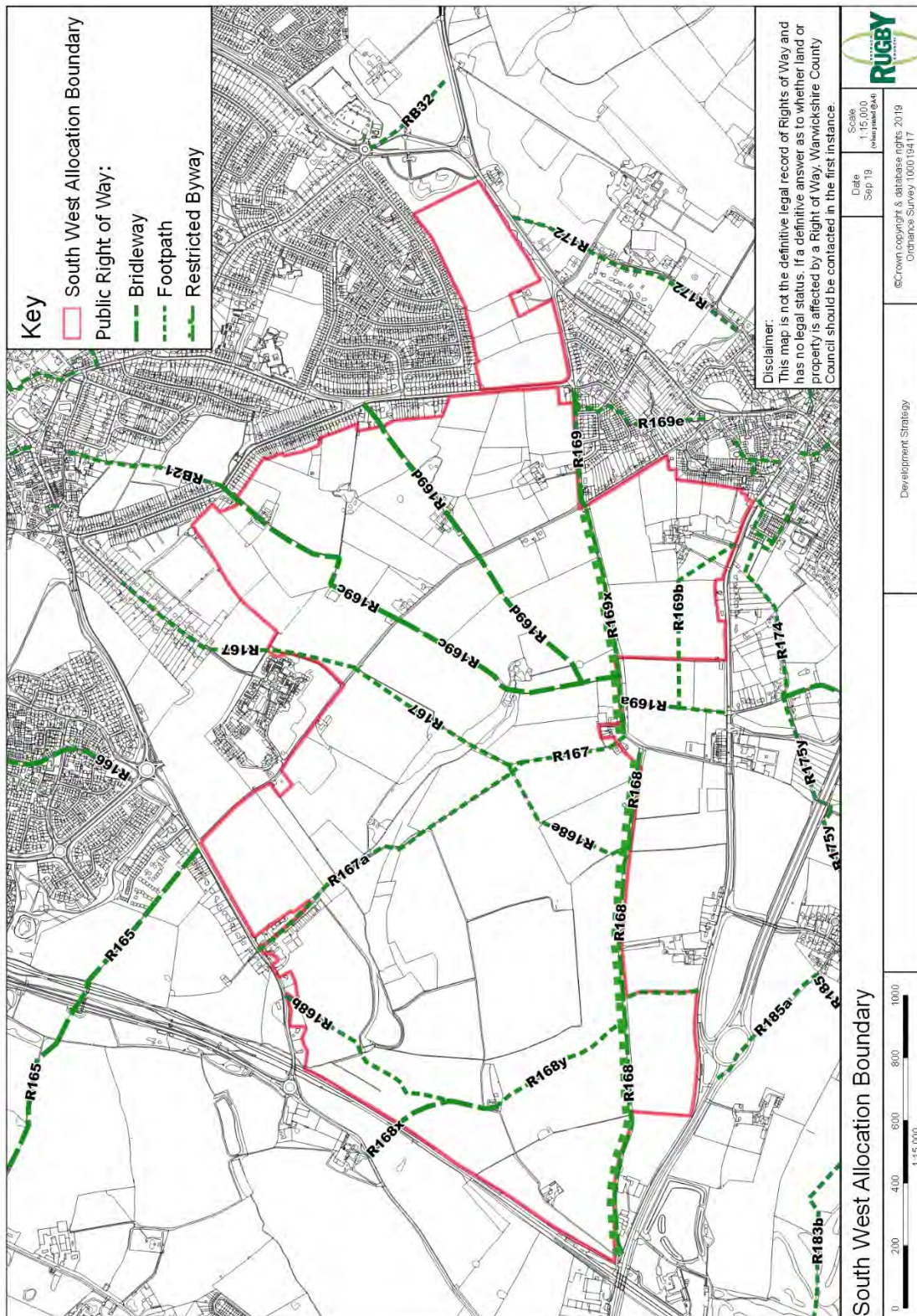
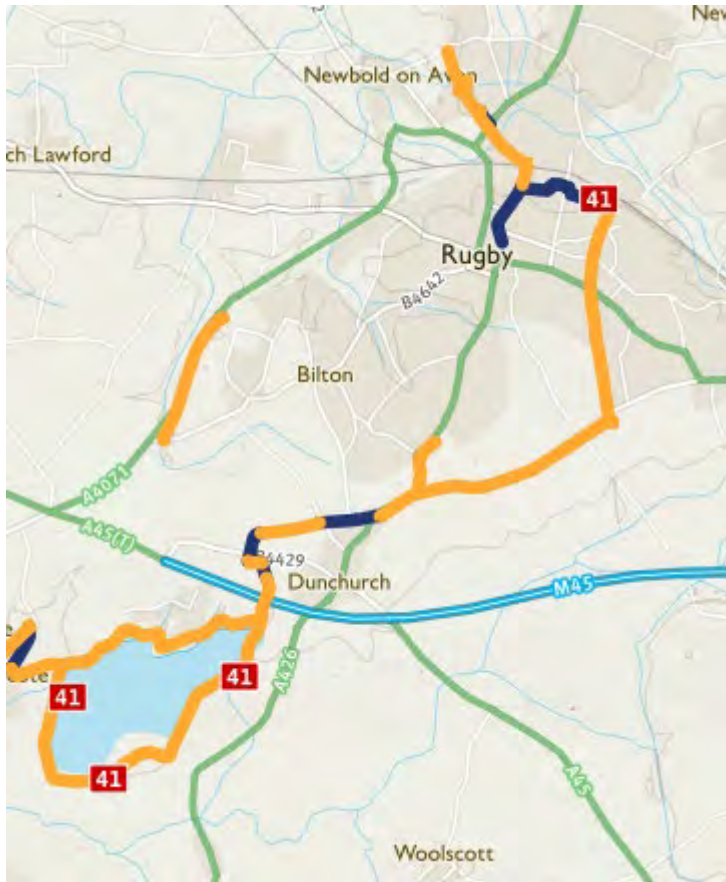


Figure 7: Sustrans National Cycle Route 41 Rugby Section



6.12 Paragraph 109 of the NPPF is clear that permission should be refused where there would be unacceptable impacts on highway safety or the residual cumulative impacts on the road network would be severe. In order to prevent this from arising transport modelling will be required. Modelling of the transport network, using a baseline of the allocation as a whole will be required in accordance with any submitted planning applications to update the quantum of development, and to model the specific impacts of each development parcel within the allocation. Development parcel specific impacts using an approach which aligns with that set out in the 2017 Strategic Transport Assessment (STA) will be required, set against the baseline case for the allocation as a whole. Mitigation will be sought on any significant impacts in line with the Infrastructure Delivery Plan (IDP) and Local Plan policies. A consistent modelling methodology must be used for each parcel within the allocation to ensure that the assessment takes account of both the impacts on the transport network and also the cumulative effects arising from the delivery of multiple areas within the allocation concurrently. Appendix H of this document sets out the modelling protocol that must be adhered to in the preparation of planning applications for development within the allocation when considering the transport effects of the development. Planning applications for development within the allocation which are not able to identify its impacts and satisfactorily mitigate them, will be refused as it would be contrary to both Policies DS 8 and DS 9. The spine road network as required by Policy DS 9, should show the internal routes, informed by a road hierarchy, to provide more opportunities for public transport services to penetrate the allocation and link with the urban area. Transport mitigation by specific measures will be required as set out in the IDP and/ or in response to individual planning applications.

6.13 The allocation is in close proximity to the A45/M45 and B4429 junction which provides a connection to the wider strategic road network. Policy DS 9 requires a north south connection to this junction, the Potsford Dam Link, which avoids traffic having to use other routes within Rugby and Dunchurch. The 2017 STA sets out the interventions that can mitigate the traffic impacts of the development, including the Homestead and Potsford Dam links. The STA identifies a phased approach to infrastructure where an interim junction improvement scheme, approved as part of the Ashlawn Road planning permission, will be delivered in the short term. This will create some additional capacity at the Dunchurch Crossroads junction allowing some housing to be delivered prior to the full road link being in place.

6.14 The 2017 STA identifies indicative phasing of infrastructure necessary to minimise impacts on Dunchurch as well as on the rest of the network in 5 year intervals. This is contained within Appendix G of this document. The internal design and layout of the allocation should be structured to maximise public transport accessibility to make it easier to choose more sustainable modes of transport, including increasing pedestrian permeability and maximising cycling routes. In addition, funding will be required from the development to provide a bus route linking the allocation to Rugby town centre – this is part of the strategic infrastructure requirement detailed in Table B in Appendix [M]. An essential component of ensuring that the network does not suffer adversely would be to secure a robust monitoring framework, quantifying the relationship between planning permission, build out rates, and provision of infrastructure in line with development, controlled by assessments of the network and the use of conditions. Such monitoring will be incorporated into Section 106 agreements.

## Social and Community Infrastructure

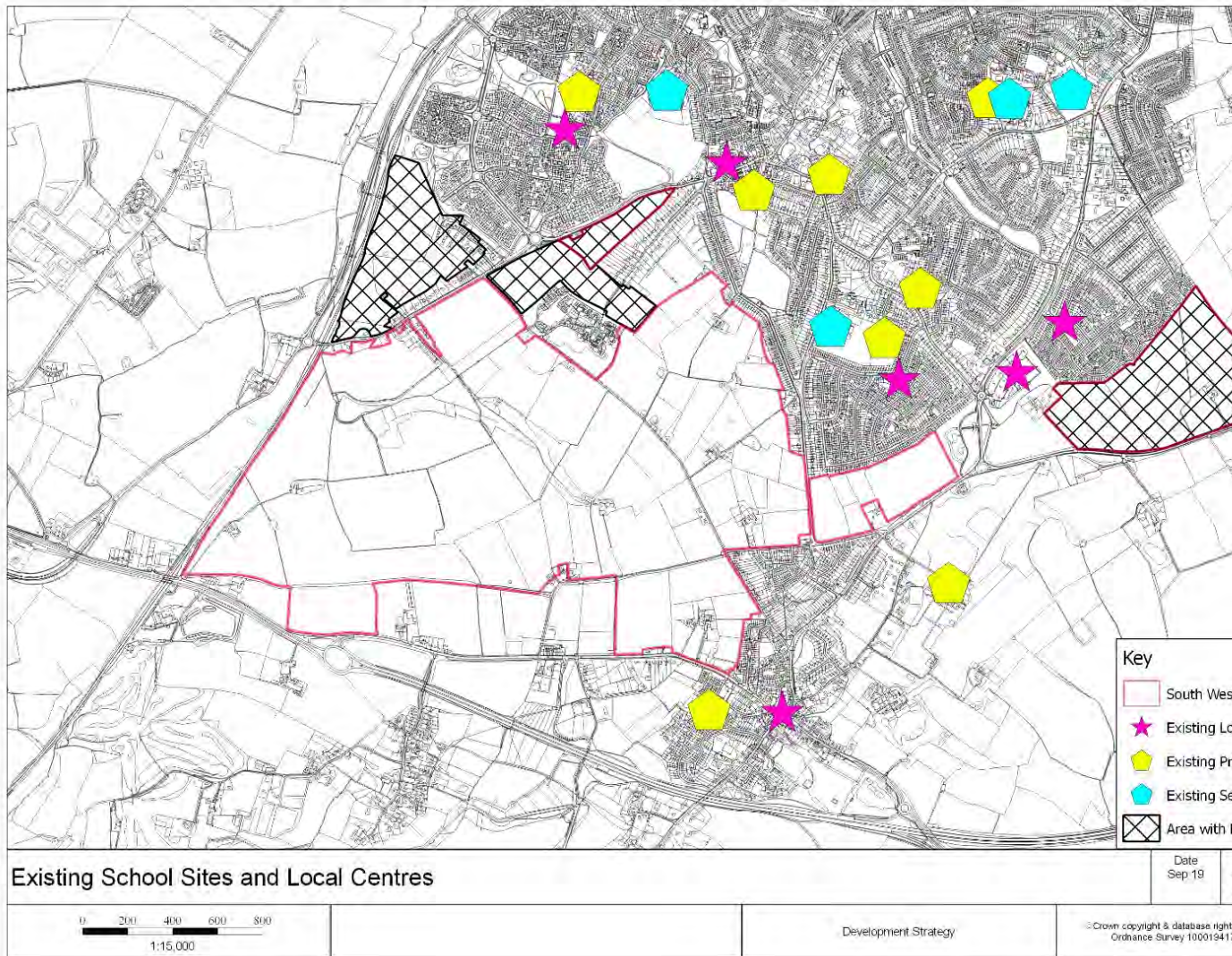
6.15 The scale of new housing proposed means that development will generate demand for additional community services and facilities. On site services and facilities provision will be guided by the requirements set out in Policy DS8 of the Local Plan, maximising accessibility by sustainable modes of travel for new residents and creating a new community. Policy DS8 and the Infrastructure Delivery Plan detail the onsite infrastructure to support the allocation. Local Plan Policy DS8 requires the following to be provided:

- A new neighbourhood and up to 5,000 dwellings and 35 hectares of employment land
- New mixed-use district centre
- A convenience store (Use Class A1) plus other retail (A1-A5) with residential or office on upper floors
- A 3 GP surgery, rising to 7 GP surgery
- Provision for a safer Neighbourhood Team. The Police premises within the borough operate at capacity which means additional premises will be required to accommodate the additional office and staff needed to police the South West.
- One secondary School, co-located with a two form entry primary school, located alongside community facilities
- Two primary schools, each to be two form entry, with at least one rising to three form entry
- Other local facilities, the need for which may arise as the development is built out.

6.16 Warwickshire County Council is the fire and rescue authority for the area, and requested a new fire and rescue station to be located on the South West Rugby allocation, as identified on the masterplan at Appendix E of this document. The provision of land for this station forms part of Policy DS8. This station is proposed to be located adjacent to the employment allocation at the junction with the M45/A45. This is required in order to meet statutory response times by close proximity to the Strategic Road Network. In addition, Warwickshire County Council have also requested off-site developer contributions towards library provision.

6.17 Whilst there are existing schools and other public facilities in the surrounding communities, (set out below in figure 8) new facilities will be required to meet the needs of the development and mitigate their impacts. As with the highway infrastructure, these will need to be phased in line with the rate of delivery of build out of the residential development within the allocation. Development of the allocation will be required to deliver new public buildings, including two primary schools, one of which should be combined with the secondary school that will be provided onsite, in addition to the new primary school being provided as part of the Ashlawn Road approval. These facilities are detailed within the Infrastructure Delivery Plan and were agreed as part of the Local Plan Evidence (OTH/018). This school provision will accommodate the educational impacts of new development as well as complement existing provision in the area and increase choice for residents of Rugby and Dunchurch. Land for social infrastructure such as education, health, police and fire & rescue are required to be provided at nil cost.

Figure 8: Existing Schools and Local Centre



## **Infrastructure Costs**

6.18 At the request of the development consortium, the Council appointed independent consultants, Gardiner & Theobald LLP, to assess the total estimated cost of the infrastructure requirements required to mitigate the impact of the South West allocation, as set out in the IDP and Tables A and B. The work by Gardiner & Theobald found the IDP costs to be reasonable. The figures in Tables A and B in Appendix M reflect their evidence. The costs in Tables A and B will be reviewed on an annual basis and updated in the annual monitoring report in the form of an updated Appendix M to this SPD. These costs will be informed by evidence provided by relevant landowners and developers.



## **7. The Tariff and who will pay it**

7.1 The allocation area will be developed by different land owners and developers, a number of whom may come forward with their planning applications at different times. This presents a challenge when seeking to co-ordinate the delivery of the strategic infrastructure required to comprehensively develop the allocation area. As the strategic infrastructure required is located on particular development parcels within the allocation area and not spread equally over all the development parcels, it is necessary to have a means of equitably and proportionately apportioning the costs of delivering strategic infrastructure (including both the build costs and the costs of providing the land, including the market value of such land) between the different development parcels. For this allocation area, it is possible that landowners and developers may not between themselves negotiate and enter into a comprehensive equalisation agreement (being an agreement entered into by landowners and developers between themselves in which they would agree an equalisation mechanism to ensure a fair apportioning of the cost of providing strategic infrastructure serving the allocation area). The Council's approach to help ensure an equitable and proportionate apportionment of the costs of delivering strategic infrastructure for the allocation area is therefore as follows.

7.2 The Council's approach is to adopt through this SPD a tariff-based approach to help fund the cost of delivery of the strategic infrastructure required. This is made up of a formula for calculating the amount each proposed development should contribute towards the overall strategic infrastructure costs in terms of a contribution per square metre. There will be two or more levels of tariff, in each case expressed as a formula consisting of £x per square metre of development. There will be one tariff for development which consists of employment and another tariff for development which consists of residential uses. There may be additional tariffs for other identified uses. Where a mixed-use development is brought forward, each tariff will be applied to the relevant part of the development as applicable. This is to reflect the fact that some items of strategic infrastructure are required to mitigate the impact of a particular type of development. The payment of these tariffs will be secured via section 106 planning obligations which will be negotiated for each planning application for development of development parcels within the allocation area (and in some appropriate cases in the vicinity of the allocation area – see paragraphs 2.1 and 7.8). This approach will enable development parcels within the allocation area to come forward at different times. The aim is to ensure the necessary strategic infrastructure is provided whilst providing certainty for developers and landowners over the contributions they will be expected to make. The tariff should help reduce otherwise protracted Section 106 negotiations on every development parcel. The tariff and the method by which it has been calculated is set out in Appendix N to this SPD. The tariff will be reviewed on an annual basis by the Local Planning Authority, with the assistance of consultants as necessary, and any changes will be published in the form of an updated Appendix N to this SPD and consulted on appropriately.

7.3 In some cases it may be agreed by the Council as part of a section 106 agreement for a relevant development parcel that a developer will deliver an item (or items) of strategic infrastructure as part of their development and will therefore pay a reduced tariff (or have tariff monies paid to them or

another adjustment to the section 106 obligations required where the cost of providing that strategic infrastructure is greater than the tariff otherwise payable for that development). For example, application A could deliver part of a road, whilst application B could deliver a school. In considering the potential to accept such strategic infrastructure works in-kind, the Council will have regard to the prospect of the developer delivering those strategic infrastructure works in good time, in accordance with the required timescales for that item of strategic infrastructure and to the necessary standard and may accordingly not always permit strategic infrastructure works in-kind, though will do so where appropriate. The detailed apportionment of strategic infrastructure within each planning application will need to be undertaken when further detailed costings are available following further detailed design work, together with the preparation of required the allocation wide strategic infrastructure delivery strategy. However, this SPD sets out the principle of strategic infrastructure equalisation through this process and the landowners/developers will be expected to work collaboratively with each other and the Council to agree detailed costings and an equitable apportionment of strategic infrastructure costs.

7.4 Together with provisions in relation to securing the tariff-based contribution in the section 106 obligations, the Council will appropriately use the following in relation to any planning application for development of any part of the allocation area:

(a) grampian conditions on planning permissions, to prevent occupation of relevant phases of the development in advance of the necessary strategic infrastructure being in place;

(b) provisions in section 106 obligations, where appropriate, enabling the developer to construct certain specified strategic infrastructure on their development parcel "in kind", with a commensurate reduction in the tariff-based contribution and subject to appropriate rights being afforded to the Council or County Council in the relevant contracts to ensure the completion of such infrastructure in a timely manner.

7.5 Where and to the extent that strategic infrastructure within or serving the allocation area has been forward-funded or delivered by a public authority or other third party, in order to ensure the timely delivery of strategic infrastructure which may be in advance of some planning applications for the development of parts of the allocation area being made and/or granted, the local planning authority will require the landowners and developers of any subsequent planning permissions for development within the allocation area to enter into section 106 obligations contributing the payment of the tariff and any other appropriate section 106 contributions retrospectively towards the costs of such strategic infrastructure to ensure appropriate apportionment of relevant costs across the allocation area.

7.6 In relation to land required for the relevant item of strategic infrastructure to be built on, the Council will ordinarily expect a developer/landowner to provide such land at nil value, recognising that the delivery of that item of strategic infrastructure 'unlocks' value in the remainder of the land parcel held by that developer/landowner and helps facilitate the development of the wider allocation area. The appropriate market value of such land will be taken into account in relation to the overall section 106 obligations payable by such developer/landowner, including the payment of the tariff.

7.7 All developers/landowners of land within the allocation area will be expected to contribute towards the tariff for strategic infrastructure except where:

- the development proposed is for less than 10 dwellings or less than 1000 sq m of non-residential development (save where a larger development parcel has been sub-divided into proposed developments of less than 10 dwellings or less than 1000 sq m of non-residential development – such proposed developments will be required to pay the tariff); or
- the development proposed consists of a replacement dwelling or dwellings.

7.8 In addition, where landowners/developers of parcels of land lying in the vicinity of the allocation area make planning applications for development of 10 dwellings or more or 1000 sq m or more of non-residential development which will benefit from the strategic infrastructure provided or funded by development within the allocation area, those landowners/developers may also be required by the Council to contribute towards the cost of such strategic infrastructure through a requirement to pay the tariff via a section 106 agreement – the Council shall determine on a case by case basis, in line with the statutory tests for planning obligations, whether the tariff or a proportion thereof should be payable.

7.9 Where a parcel of land within the allocation area is the subject of a planning application for development, the landowner/developer will be expected to ensure that the development is designed in such a way as to facilitate access from that land to adjacent parcels of land to ensure appropriate site-wide connectivity. This will ensure that the allocation area can move forward on a viable comprehensive basis. The safeguarding of suitable land for access to adjacent parcels of land will be protected through section 106 obligations if necessary.

7.10 As set out above, there are three levels of tariff, in each case expressed as a formula consisting of £ per square metre of development and being the amount each proposed development should contribute towards the overall strategic infrastructure costs. The tariffs are set out in Appendix N, one tariff for development which consists of residential uses and one for employment and all other identified uses. Where a mixed-use development is brought forward, each tariff will be applied to the relevant part of the development.

7.11 Tables A and B in Appendix M give the current estimated costs for the strategic infrastructure required to enable and mitigate the impact of these developments – Table A setting out current estimated costs of strategic infrastructure required for residential development only and Table B setting out current estimated costs of strategic infrastructure required for all development. The costs set out in Tables A and B have been used to calculate the tariff, taking into account the quantum of development currently considered likely to come forward on and in the vicinity of the allocation area.

7.12 The tariff rates in Appendix N and the current estimated costs for the strategic infrastructure in Appendix M will be subject to review and updates will be published by the Council (no more than annually) as appropriate. New Appendices N and M to this SPD will then be published, consulted upon and adopted as appropriate to ensure they are kept up to date. In addition, the relevant payments reflecting the latest tariff rates will be index-linked in each section 106 agreement, from the date of the publication of the latest tariff rates published in Appendix N to the date on which the sum is paid pursuant to the section 106 agreement. The tariff may be paid in instalments to be agreed in the relevant section 106 agreement. The payment date(s) for payment of the tariff will also be agreed in the relevant section 106 agreement.

7.13 In order to avoid or reduce any viability concerns in respect of the ability of the development of the allocation area (and land within the vicinity of the allocation area which is expected to pay the tariff) to fund the cost of the provision of the strategic infrastructure, the tariff rates set out in Appendix N have been calculated at a level below the level which is considered likely to be viable, but this is subject to the requirement that each developer/landowner expected to pay the tariff via a section 106 agreement, will also be required to make an additional section 106 contribution(s) towards the actual full costs of the provision of strategic infrastructure as set out in the latest strategic infrastructure costs published in Appendix M on an equitable and proportionate basis ("Additional Strategic Infrastructure Contribution"), with such Additional Strategic Infrastructure Contribution being agreed pursuant to each application, subject to review of the viability of the development being applied for at the relevant time. Similar to tariff payments, the Additional Strategic Infrastructure Contribution(s) will be index-linked in each section 106 agreement, from the date of the publication of the latest strategic infrastructure costs published in Appendix M to the date on which the sum is paid pursuant to the section 106 agreement. The Additional Strategic Infrastructure Contribution may be paid in instalments to be agreed in the relevant section 106 agreement and as with the tariff payment, date(s) for payment of the Additional Strategic Infrastructure Contribution will be agreed in the relevant section 106 agreement. In short, the costs of the strategic infrastructure will be met by a combination of payment of the tariff (either by way of contribution or works in kind) and a negotiated Additional Strategic Infrastructure Contribution (either by way of contribution or works in kind) via a section 106 contribution in respect of each application to ensure the costs of the strategic infrastructure provision are fully met, subject to review of the viability of the development being applied for at the relevant time.

7.14 As some of the strategic infrastructure will be forward-funded or provided in phases, the final costs of some of the strategic infrastructure may not be known at the time of a section 106 agreement requiring a tariff-based contribution is entered into. Each section 106 agreement for development of a parcel within the allocation area will therefore contain a mechanism for a late-stage tariff balancing payment ("Balancing Payment") to be made in respect of the amount of strategic infrastructure funded by the tariff or provided in kind by the relevant development. Such a Balancing Payment will relate to the combination of the tariff payments made or equivalent strategic infrastructure provided and the Additional Strategic Infrastructure Contribution required. The Balancing Payment will equate to either (i) a further payment or provision by the relevant landowner/developer in respect of strategic infrastructure; or (ii) a reimbursement of tariff or Additional Strategic Infrastructure Monies already paid by the relevant landowner/developer where actual strategic infrastructure costs have been lower than those estimated in Appendix M of this SPD and that has led to a higher combined tariff and Additional Strategic Infrastructure Contribution payment by the relevant landowner/developer than would otherwise have been the case, subject always to the operation of the Balancing Payment Limitation Mechanism set out below. The Balancing Payment will be payable when 90% of the floorspace of the relevant development has been practically completed ("the Balancing Payment Trigger"). This Balancing Payment will be calculated in accordance with the following formula:

A minus B = Balancing Payment, subject to application of the Balancing Payment Limitation Mechanism, whereby

A = The total amount of (i) the tariff payable for the carrying out of the whole of the relevant development, calculated by applying the latest tariff rates set out in the latest published version of Appendix N of this SPD, to the development floorspace permitted in respect of the whole of the relevant development as at the date of Balancing Payment Trigger; and (ii) the Additional Strategic Infrastructure Contribution payable in relation to the carrying out of the whole of the relevant development (or if any final costs of any completed strategic infrastructure are known at the date of the Balancing Payment Trigger which were unknown at the date of the latest published version of Appendix N of this SPD, utilising such final costs in substitution for those used at the date of the latest published version of Appendix M of this SPD);

B = The amount of the tariff and Additional Strategic Infrastructure Contribution actually paid or remaining payable, or the financial equivalent of strategic infrastructure provided, pursuant to any and all section 106 agreement(s) in relation to the carrying out of the relevant development up to the date of the Balancing Payment Trigger;

Balancing Payment Limitation Mechanism =

(i) The application of a cap or limit to the Balancing Payment equating to ten (10) per cent of the total amount of the tariff and Additional Strategic Infrastructure Contribution agreed to be payable towards the cost or provision of strategic infrastructure in a section 106 agreement or obligation relating to planning permission granted for the relevant development;

(ii) a maximum reimbursement of any tariff monies equating to ten (10) per cent of the total amount of the tariff and Additional Strategic Infrastructure Contribution agreed to be payable towards the cost or provision of strategic infrastructure in a section 106 agreement or obligation relating to planning permission granted for the relevant development (and providing all other landowner/developer funding requirements and section 106 and other obligations have been satisfied).

The appropriate Balancing Payment and Balancing Payment Limitation Mechanism provisions will be included in a section 106 agreement. A developer/landowner may agree with the Council in a section 106 agreement to fund a higher tariff or Additional Strategic Infrastructure Contribution amount than would otherwise be payable (or provide strategic infrastructure of a higher commensurate value than would otherwise be required) in lieu of all or part of the payment of a Balancing Payment if it so wishes, provided always that the Council shall ensure that it is continuing to reasonably ensure there remains an equitable and proportionate apportionment of the costs of delivering strategic infrastructure between the developments required to pay the tariff.

7.15 In relation to any Community Infrastructure Levy (CIL) which may be adopted by the Council whilst this SPD is in force, it is not envisaged that any CIL would apply to the allocation area. If that was to be the case, this SPD would be reviewed.

7.16 It is envisaged that a form of framework section 106 agreement may be developed by the Council to reflect the terms of this SPD and to help ensure a consistent approach of its application.



## 8. Viability and the tariff

8.1 It was accepted by the Local Plan examination that the allocation area *“on its own would be viably able to deliver the full strategic transport and education requirements necessary to support that development, including the spine road network and the Homestead Link around Dunchurch.”*

8.2 Proposals should be designed in a way that accords with Local Plan policies, including the requirement to contribute towards strategic infrastructure costs in accordance with the tariff set out in this SPD and other items that may be secured through section 106 obligations, including affordable housing.

8.3 The Council has carried out an independent assessment of the viability of development. This work has informed the setting of the tariff in Appendix N.

8.4 On the basis of this viability assessment, the tariff proposed by this SPD should not make any development of the allocation area (or other land in the vicinity expected to pay towards the costs of strategic infrastructure within or serving the allocation area) unviable, taking into account other planning obligations, including an Additional Strategic Infrastructure Contribution and affordable housing and local or site specific infrastructure requirements that those developments will also be expected to meet. Reflecting the level that the tariffs in this SPD have been set and in order to ensure that each proposed development within the allocation area is able to proceed on a viable basis whilst appropriately contributing to strategic and local infrastructure provision and meeting all Local Plan Policy requirements, each application for development within the allocation area will be required to be accompanied by a financial viability assessment ("FVA") submitted with the application to the local planning authority unless otherwise agreed with the Council.

8.5 All FVAs submitted alongside such applications must contain the following information with supporting evidence, and follow the National Planning Policy Guidance in respect of the information that FVAs should include:

- a summary of the main assessment assumptions (evidenced from an independent expert or source);
- site or building acquisition cost and existing use value;
- construction costs and programme;
- fees and other on costs;
- projected sale prices of any dwellings /non-residential floorspace;
- as applicable, details of discussions with registered providers of affordable housing (if relevant) to inform the value of affordable housing assumed within the FVA;
- gross and net margin;
- other costs and receipts;
- other relevant information dependent on the nature of the obligation(s) under discussion; and
- if applicable, a request to vary any requirements from those set out in the adopted Local Plan and this SPD and stating the proposed level of obligations, demonstrating why they are the maximum that can viably be provided.

8.6 The FVA will be scrutinised by the Council with advice from a suitably qualified external consultant and the reasonable cost of this external consultant is to be met by the landowner/developer who has submitted the FVA. If material changes are made to an application after submission that could affect scheme viability, a revised FVA will be required.

8.7 Where the Council is satisfied that section 106 contributions or works required by the Local Plan policies and this SPD cannot be met in full on a particular development proposal due to financial viability, the Council may choose to:

- reduce the amount of the envisaged Additional Strategic Infrastructure Contribution required; and/or
- reduce the tariff payable pursuant to this SPD; and/or
- adjust the timetable for delivery of strategic infrastructure to be funded by that tariff or provided in kind or provided pursuant to an Additional Strategic Infrastructure Contribution; and/or
- reduce or amend other planning obligations for that development proposal,

provided that the Council will continue to pay due regard to the objective of ensuring an equitable and proportionate apportionment of the costs of delivering strategic infrastructure for the allocation area across the whole allocation area.

8.8 The financial viability of development proposals may change over time due to the prevailing economic climate, including changing property values and construction costs. In all cases, therefore, where the Council have agreed to any of the reduction or adjustment items set out in paragraph 8.7 such that the resultant planning obligations are below the level needed to fully fund or provide the strategic and local infrastructure requirements for the allocation area or to comply with Local Plan policy requirements, the Council will require a viability review of the relevant development with an updated FVA to be provided at appropriate intervals to determine whether greater or full compliance with this SPD and the Local Plan policy requirements can be achieved throughout the carrying out of the relevant development proposal.



## 9. Planning application supporting documents/information

9.1 Appendix B of this document sets out a non-exhaustive list of policies against which planning applications will be assessed where relevant. The following list is intended to be a guide to developers on what the Council will be expecting to be submitted as part of their applications for development of the allocation area in addition to the more standard issues addressed in a planning application such as dwelling mix, bin storage, etc.

9.2 developers will be expected to demonstrate that they have considered and addressed, where necessary, the following issues. As with the objectives section at the start of this document, the following is not in any order of priority:

### Environmental Infrastructure

Green/Blue Infrastructure – how their application augments the Woodland Management Plan plus the integration of Green/Blue Infrastructure assets within proposals that create ecological networks through the allocation area and into the wider countryside. Including the delivery of biodiversity net gain.

Adjacent to any spinney – how any adverse impact on the local wildlife site can be prevented, how the allocation will be enhanced, how their proposal contributes to boosting the ecological corridor from Cawston Spinney to Cock Robin Wood. The woods are home to light sensitive species, how will their application address this?

Coalescence avoidance – how their application prevents coalescence of Rugby with the existing settlement of Dunchurch specifically in relation to the South West Rugby allocation.

### Social Infrastructure

How will the application be designed to provide for the social infrastructure identified in DS8? Will this be via land provision, financial contribution, other some other way?

### Physical Infrastructure

Applications should be supported by transport modelling data produced in line with the transport modelling protocol set out in the relevant appendix in this SPD.

How will the application be designed provide for the physical infrastructure identified in DS8 and DS9 the South West Rugby Spine Road? Will this be via land provision, financial contribution, other some other way?

How will their application be designed to link to the existing network of public rights of way, link into the existing pedestrian and cycle network within and near to the allocation such as the Sustrans Cycle route along the disused railway line and National Cycle Network Route 41.

How will their application be designed to promote walking/cycling and public transport provision?

How will their application maintain, if not improve, existing air quality?

9.3 To be acceptable, planning applications that cover a phase or part of the allocation area must be accompanied by an application specific masterplan and delivery statement for approval by the LPA that relates to the application site and sets out:

a) Site specific infrastructure requirements and how these relate and adequately contribute to the allocation wide infrastructure delivery strategy; and

b) Details of proposed development and its phasing, proposed triggers/thresholds for the delivery of associated infrastructure and how in each case these relate and adequately contribute to the allocation wide masterplan, allocation wide infrastructure delivery strategy and to the allocation wide phasing strategy and conform with the general principles in Policies DS8 and DS9 of the adopted Local Plan and this SPD.

## Appendices Contents

<b>Appendix A</b>	Adopted Rugby Borough Council Local Plan (June 2019) - Policies DS3, DS8 and DS9
<b>Appendix B</b>	Main policies relevant in considering applications submitted within the South West Rugby allocation area from the Adopted Rugby Borough Council Local Plan (June 2019)
<b>Appendix C</b>	Transport Mitigation Milestones and 'Homestead Link' Draft Indicative Layout
<b>Appendix D</b>	Woodland Management Plan
<b>Appendix E</b>	Framework Masterplan
<b>Appendix F</b>	Development Phasing
<b>Appendix G</b>	Indicative Phasing Plan
<b>Appendix H</b>	Modelling Protocol
<b>Appendix I</b>	SA and SEA Screening Opinion
<b>Appendix J</b>	Ashlawn Road Permission Plan
<b>Appendix K</b>	Existing Habitat Value
<b>Appendix L</b>	Design Principles
	Table of Infrastructure Requirements for the South West Rugby Allocation October 2019
<b>Appendix N</b>	Tariff
<b>Appendix O</b>	Proposed Buffer Sections 1 and 2

## Appendix A - Adopted Rugby Borough Council Local Plan (June 2019) - Policies DS3, DS8 and DS9

### Policy DS3: Residential Allocations

The following sites will be allocated for residential development and associated infrastructure and uses as shown on the Policies Map:

Ref	Site Name	Dwellings
<b>Rugby Urban Edge</b>		
DS3.1	Coton Park East (See Policy DS7)	Around 800
DS3.2	Rugby Gateway*	Around 1300
DS3.3	Rugby Radio Station*	Around 6200
DS3.4	South West Rugby (See Policies DS8 and DS9)	Around 5000
*planning permission granted and under construction		
<b>Main Rural Settlements</b>		
DS3.5	Land at Sherwood Farm, Binley Woods	Around 75
DS3.6	Land North of Coventry Road, Long Lawford	Around 150
DS3.7	Leamington Road, Ryton on Dunsmore**	Around 75
DS3.8	The Old Orchard, Plott Lane, Stretton on Dunsmore	Around 25
DS3.9	Land Off Squires Road, Stretton on Dunsmore	Around 50
DS3.10	Linden Tree Bungalow, Warwick Road, Wolston	Around 15
DS3.11	Land at Coventry Road, Wolvey	Around 15
DS3.12	Wolvey Campus, Leicester Road, Wolvey	Around 85

\*\* Implementation of site allocation DS3.7 can only occur when adequate replacement of the pitch provision and training facility has been made to the

satisfaction of Rugby Borough Council and Sport England and in accordance with national planning policy.

### **Policy DS8: South West Rugby**

A new neighbourhood of around 5,000 dwellings and 35 ha of B8 employment land will be allocated on land to the South West of Rugby, as delineated on the Policies Map.

Provision of the following onsite services and facilities will be made within a new mixed-use district centre as indicated in the South West Rugby Masterplan Supplementary Planning Document (SPD):

- A convenience store (Use Class A1) plus other retailing (Use Class A1 to A5) with residential or office uses provided on upper floors;
- A 3 GP surgery, rising to 7 GP surgery, as detailed in the IDP; and
- Provision for a Safer Neighbourhood Team, as detailed in the IDP.

Within the broad locations identified in the South West Rugby Masterplan SPD, provision of the following facilities must be made:

- One secondary school, to be co-located with a two form entry primary school, as detailed in the IDP, located close to community facilities within the district centre;
- A further two primary schools, each to be two form entry, with at least one rising to three form entry, as deemed necessary by Warwickshire County Council Education, as detailed in the IDP;
- Other local facilities, as informed by the Masterplan SPD and planning applications, to be located in appropriate sustainable locations within or outside the district centre; and
- Land for an onsite fire and rescue provision, as detailed in the IDP, must be made available within the South West Rugby allocation.

The site must also contain comprehensive sustainable transport provision that integrates with existing networks and provides good connectivity within the development and to the surrounding area including:

- An all traffic spine road network, as allocated in Policy DS9, and the Policies Map, and indicated in the Masterplan SPD, connecting the site to the existing highway network, phased according to milestones identified through the IDP;
- Provision of a comprehensive walking and cycling network to link residential areas with the key facilities on the site, such as schools, health centres and retail services;
- High quality public transport services to Rugby town centre; and
- Further on-site and off-site measures to mitigate transport impact as detailed in the IDP, including access to the local and strategic road network as deemed necessary through the Strategic Transport Assessment and agreed by Warwickshire County Council (WCC) and Highways England. These measures will take account of the proposals within the IDP.

In addition to these requirements, proposals must:

- Incorporate a continuous Green and Blue infrastructure corridor, as part of the wider allocation, identified in the GI Policies Map, linking to adjacent networks and utilising existing and potential habitats and historic landscape, in particular between Cawston Spinney and Cock Robin Wood;
- Provide a Woodland Management Plan setting out how woodland within the boundaries of the allocation, in particular Cawston Spinney, will be protected from potential adverse impacts of new development, including details of a buffer in accordance with Natural England's standing advice on Ancient Woodland and Veteran Trees;
- Specifically regarding the employment allocation to incorporate design and landscaping measures, including structural landscaping, to mitigate the impacts of the buildings on the surrounding landscape and setting of any nearby heritage and GI assets, including Thurlaston Conservation Area; and
- Incorporate details of phasing and trigger levels for the provision of required infrastructure consistent with this policy, Policy DS9, the IDP and informed by the Masterplan SPD.

Development proposals shall respect and maintain a physical and visual separation between Rugby town and Dunchurch to prevent coalescence and protect their individual character and identity. A significant buffer between Rugby and Dunchurch, which incorporates a Green Infrastructure Corridor from Cock Robin Wood to Cawston Spinney, as identified in the South West Rugby Masterplan SPD, must form an integral part of proposals for the site.

Development proposals within the South West Rugby allocation must come forward comprehensively, informed by the South West Rugby Masterplan SPD, and in accordance with the requirements of this policy, Policy DS9, the Policies Map, and the Infrastructure Delivery Plan. Rugby Borough Council will not support ad hoc or piecemeal development which is contrary to the aims of this Policy, or development that is inconsistent with the Masterplan for the site.

Development proposals will require consultation with the Lead Local Flood Authority, in order to identify any potential hydrological mitigation, particularly with regard to potential hydrological impacts on Draycote Meadow SSSI.

4.53 The allocation of up to 5,000 dwellings and 35 ha of gross B8 employment land to the south of Rugby town represents a significant portion of the growth in Rugby Borough up to 2031. The Council therefore places great importance on delivering the growth and addressing appropriate mitigation in a comprehensive way to ensure the allocation can bring wider benefits to the town and community who live there.

4.54 It is not expected that the site will be delivered through one single overarching outline permission, but rather by several different landowners and promoters submitting separate applications and all promoters very much see the value in working together to bring forward the South West Rugby development through a comprehensive and integrated scheme. To this end, and in partnership with the Borough Council and relevant stakeholders and service providers, a

masterplan has been produced, as identified in the South West Rugby Masterplan SPD, which will inform all future applications for the site.

4.55 Policy DS8 details the essential onsite infrastructure required to deliver the South West Rugby allocation, once complete. The appended Infrastructure Delivery Plan details the costing and phasing for each of these items. This has been informed by key stakeholders and service providers such as Warwickshire County Council Education and Highways, Highways England, Rugby Borough Council and also the promoters of the land.

4.56 The most important element to be delivered comprehensively onsite is the spine road network, as identified in the South West Rugby Masterplan SPD and Policy DS9 below. The promoters of the site have worked in partnership with Warwickshire County Council to identify the strategic highway mitigation for delivery of the site.

4.57 Policy DS8 also notes the requirement to provide appropriate community services and facilities for the residents of the urban extension in order to deliver a range of benefits. It is important that such services are planned as an integral part of development and are provided prior to significant occupation of the development in order to ensure that existing services in adjacent developed areas are not over-burdened. The location of local facilities and services should be consistent with the locations identified in the South West Rugby Masterplan SPD, which has been created in consultation with Warwickshire County Council to ensure that services are well distributed throughout the site for future residents.

4.58 Cawston Spinney is located in the middle of the site. This is formed of the Cawston Spinney, Fox Covert and Boat House Spinney and includes an area of ancient woodland. Although there are existing footpaths through this area, which are popular for walking, it is important that proposals demonstrate that development will not cause damage to this valuable asset. Therefore any development of the urban extension will need to safeguard existing valuable habitat and provide the appropriate extent of buffer to protect this green asset. This must take into consideration the relevant Natural England standing advice on Ancient Woodland and Veteran Trees, in consultation with Rugby Borough Council Parks and Grounds. A Woodland Management Plan, details of which will also be included within the South West Rugby Masterplan SPD, will be required for the site. Relevant planning applications should use this management plan as a means of compliance with Policy DS8 and Policy NE1 regarding protection of Ancient Woodland and Veteran Trees.

4.59 The South West Allocation represents an important extension to Rugby Town, delivering much needed housing in a sustainable location within the Borough. However, Policy DS8 also seeks to be mindful of the proximity of this proposed development to Dunchurch Main Rural Settlement to the south of Rugby town. Policy DS8 is supported by the South West Rugby Masterplan SPD. This clearly identifies the extent of the developable area of the allocation to ensure that future proposals within the allocation do not see the coalescence of Rugby town and Dunchurch through the clear delineation of a green buffer, which will perform two important roles. The first will be to prevent the encroachment of development merging the settlements together and the second is to act as an important green infrastructure corridor, connecting Cawston Spinney to Cock Robin Wood.

4.60 The role of this site in meeting the overall strategic employment needs of the Borough is informed by the likely number of jobs that will be created, as explained in Policy DS1. As such the allocation of 35 ha is a gross figure. The net figure will be determined by the design and layout of the site as the masterplanning contained in the SPD is developed into subsequent planning applications and ancillary features such as flood alleviation are considered. Therefore taking everything into account the gross allocation may change.

4.61 The site is a long term commitment for the Council in meeting the growth needs of the Borough and will continue to be built out beyond the life of this Local Plan. Once built, it will create a new community within Rugby and it is thus important for the Borough Council and developers of the site to do this to the highest standard possible. An essential element of this is sustainability and the balance of housing to jobs, and as such there is the potential for the growth targets of housing and employment to be revisited as a result of changing demands for the Borough as it moves beyond the 2031 period. As such an area of land is safeguarded within the South West Rugby allocation, as identified in the Policies Map to assist in meeting the Borough's development needs beyond 2031.

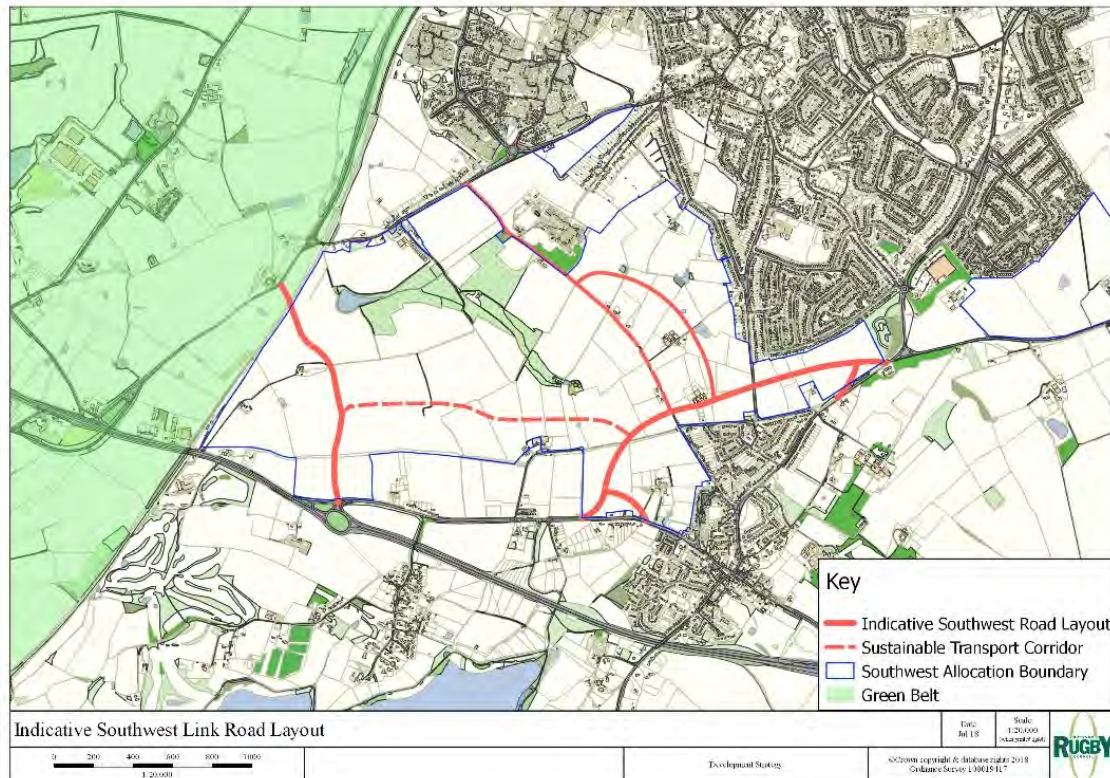
4.62 Notwithstanding potential future change for this site, for the current plan period up to 2031, Policy DS3 and DS8 make clear allocations of around 5,000 dwellings and 35 ha gross of employment land.

4.63 The South West Rugby Masterplan SPD will contain the masterplan that will secure the comprehensive development of the site, including detail about the phasing of development and infrastructure delivery across the site. Planning applications for development within the allocation area must be informed by the content of the Masterplan SPD.



## Policy DS9: South West Rugby Spine Road Network

The Borough Council allocates land to facilitate the full alignment of the South West Rugby spine road network to support and enable the delivery of the South West Rugby allocation, as identified on the plan below and on the Urban Policies Map.



Development which is likely to prejudice delivery of this infrastructure will not be permitted. The design specification and routing of the spine road network will be considered in more detail in the South West Rugby Masterplan SPD and development proposals must be consistent with the agreed alignment as set out in this document. Full details will be provided in the supporting information to planning applications.

Development proposals for South West Rugby must enable delivery of the full spine road network as early as possible post commencement of development on site, in accordance with the phasing milestones identified in the Infrastructure Delivery Plan.

Proposals for development that are shown to have a severe impact on the local road network, before or after the implementation of the Dunchurch Crossroads mitigation scheme, must demonstrate how they will contribute to the delivery of the spine road network, and ensure it is delivered according to the phasing milestones set out in the Infrastructure Delivery Plan and South West Rugby Masterplan SPD.

Development proposals, including those outside of the South West Rugby allocation, will not be granted planning permission for implementation ahead of the delivery of the east-west Homestead Farm link (between A426 and B4429), unless demonstrated in accordance with the NPPF that any

residual impacts on the highway network are not considered to be severe, to the agreement of Warwickshire County Council and Rugby Borough Council.

Should the alignment of the spine road network be varied by agreement with the Highway Authority and Local Planning Authority in the light of further technical work, a revised alignment plan will be published to which this policy will apply.

4.64 As detailed in Policy DS9, a strategic spine road network is essential to the delivery of the South West Rugby allocation. The Plan contained within Policy DS9 identifies the links that bring the optimum benefit to the surrounding road network, in particular at Dunchurch crossroads, which is already at capacity. As the spine road network performs such an important role in highways mitigation, it is imperative that it is delivered as a priority for the site.

4.65 These Primary new roads traverse the sites as three different links as shown on the indicative plan in DS9 above; the first being the east-west 'Homestead Link' between the A426, south of Cock Robin Wood and the B4429; the second from the A45/M45 roundabout to the A4071 at Potford Dam Farm; and the third from the B4642, South of the Cawston extension site connecting on to the new Homestead Link.

4.66 The Strategic Transport Assessment, which supports the Local Plan, identifies when these three different links comprising the spine road network are required to be delivered. The Homestead Link is crucial to enabling the site and as such, the IDP and South West Rugby Masterplan SPD identify this link and this section of the overall site as coming forward first, thereby routing development traffic away from Dunchurch Crossroads and providing an alternative route for traffic. This is of particular importance in the context of the existing congestion and air quality issues at this junction.

4.67 Development proposals to the South West of Rugby will benefit from infrastructure mitigation delivered by 2021 at the Dunchurch Crossroads junction (A426/B4429), as identified in the Strategic Transport Assessment and IDP. Once implemented, this mitigation will allow for the development of 860 dwellings in this wider area before giving rise to residual impacts on the Dunchurch Crossroads junction.

4.68 The Council acknowledges that a balance has to be struck between securing early delivery of necessary onsite infrastructure such as the spine road network whilst ensuring there are no financial burdens preventing the site coming forward. Proposals submitted to the council for the site will be accompanied by financial viability appraisals, in accordance with other policies contained in this Local Plan.

4.69 The spine road network is proposed through Policy DS9 to connect across to Potford Dam, on the A4071, as identified on the Urban Policies Map. The disused railway line running along the western edge of the site allocation forms the Green Belt boundary and this connection would require development in the Green Belt. Currently the land required to deliver this alignment is outside of the site allocation boundary. This alignment is required to be delivered by 2031, as identified in the IDP,

and it is considered that this land will be secured within the timescales required. A separate connection can be made in place of Potsford Dam, if needed directly onto the B4642, which abuts the site allocation. However, safety and capacity constraints currently exist which will impact on the delivery of this option. Detailed feasibility work is required to investigate whether a connection onto the B4642 could be accommodated.

4.70 At the time of writing more detailed technical highway design and capacity assessment work is needed to establish the optimum point of access onto the existing highway network, and the detailed alignment and specification of the road is also to be established. This work will be ongoing and the chosen alignment option and specification will be confirmed between site promoters, the Borough Council and County Council Highways department as soon as possible and reflected in the Masterplan SPD or as part of highway work to support outline planning applications. Should this vary from the indicative alignment shown in Policy DS9 and on the Urban Policies Map, a further alignment plan will be published to which the policy will apply.

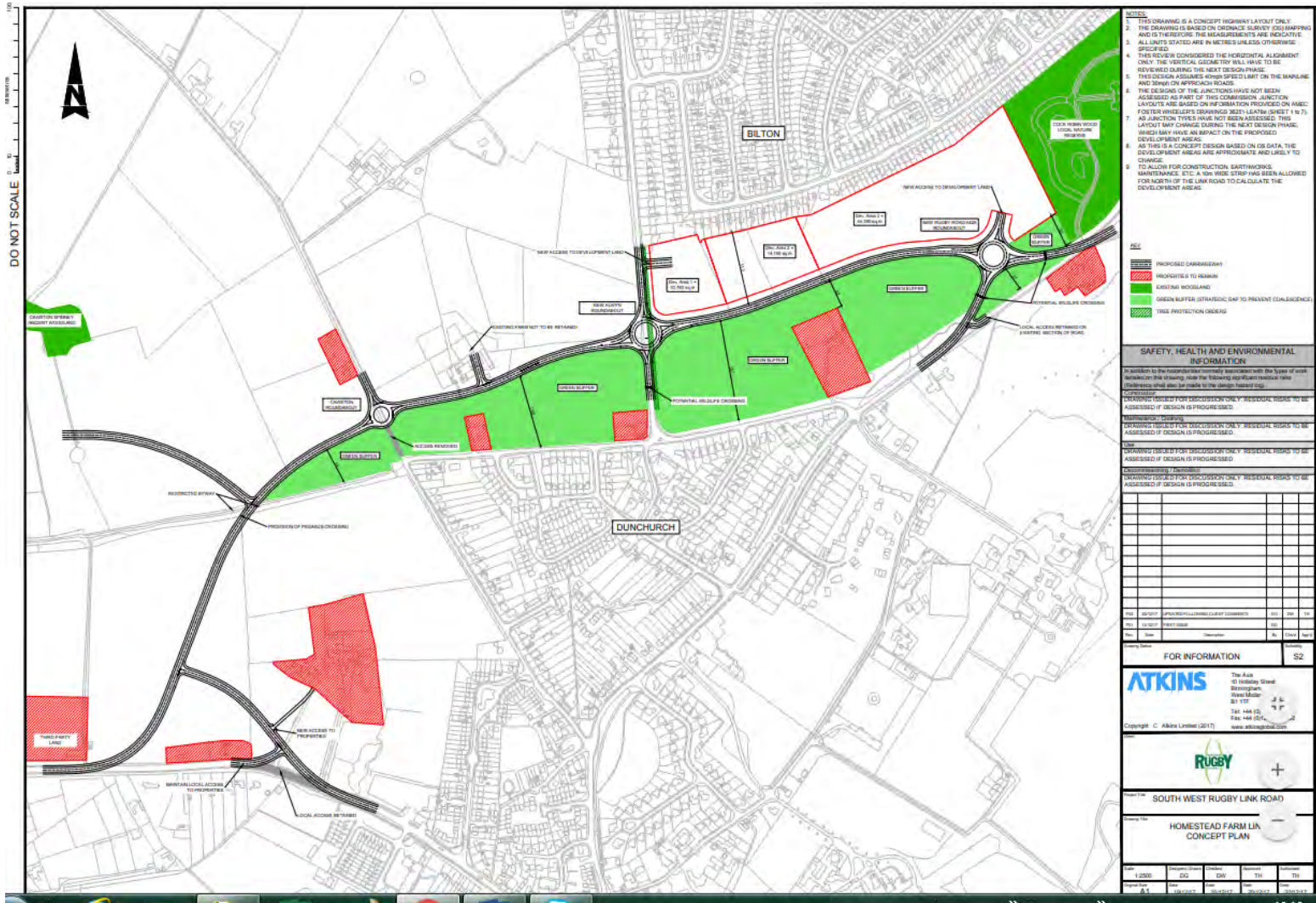
4.71 As stated, the spine road network allocation made by Policy DS9 is an integral part of the proposals for South West Rugby and it will therefore be clearly reflected in the Masterplan SPD.

**Appendix B- Main policies relevant in considering applications submitted within the South West Rugby allocation area from the Adopted Rugby Borough Council Local Plan (June 2019)**

GP1	Securing Sustainable Development
GP4	Safeguarding Development Potential
DS3	Residential Allocations
DS4	Employment Allocations
DS5	Comprehensive Development of Strategic Sites
DS8	South West Rugby
DS9	South West Rugby Spine Road Alignment
H1	Informing Housing Mix
H2	Affordable Housing
H6	Specialist Housing
HS1	Healthy, Safe and Inclusive Communities
HS2	Health Impact Assessments
HS4	Open Space and Recreation
HS5	Traffic Generation and Air Quality
NE1	Protecting Designated Biodiversity and Geodiversity Assets
NE2	Strategic Green and Blue Infrastructure
NE3	Landscape Protection and Enhancement
SDC1	Sustainable Design
SDC2	Landscaping
SDC3	Protecting and Enhancing the Historic Environment
SDC4	Sustainable Buildings
SDC5	Flood Risk Management
SDC6	Sustainable Drainage
SDC7	Protection of the Water Environment and Water Supply
SDC9	Broadband and Mobile Internet
D1	Transport
D2	Parking Facilities
D3	Infrastructure and Implementation
D4	Planning Obligations

Please note this list is not exhaustive.

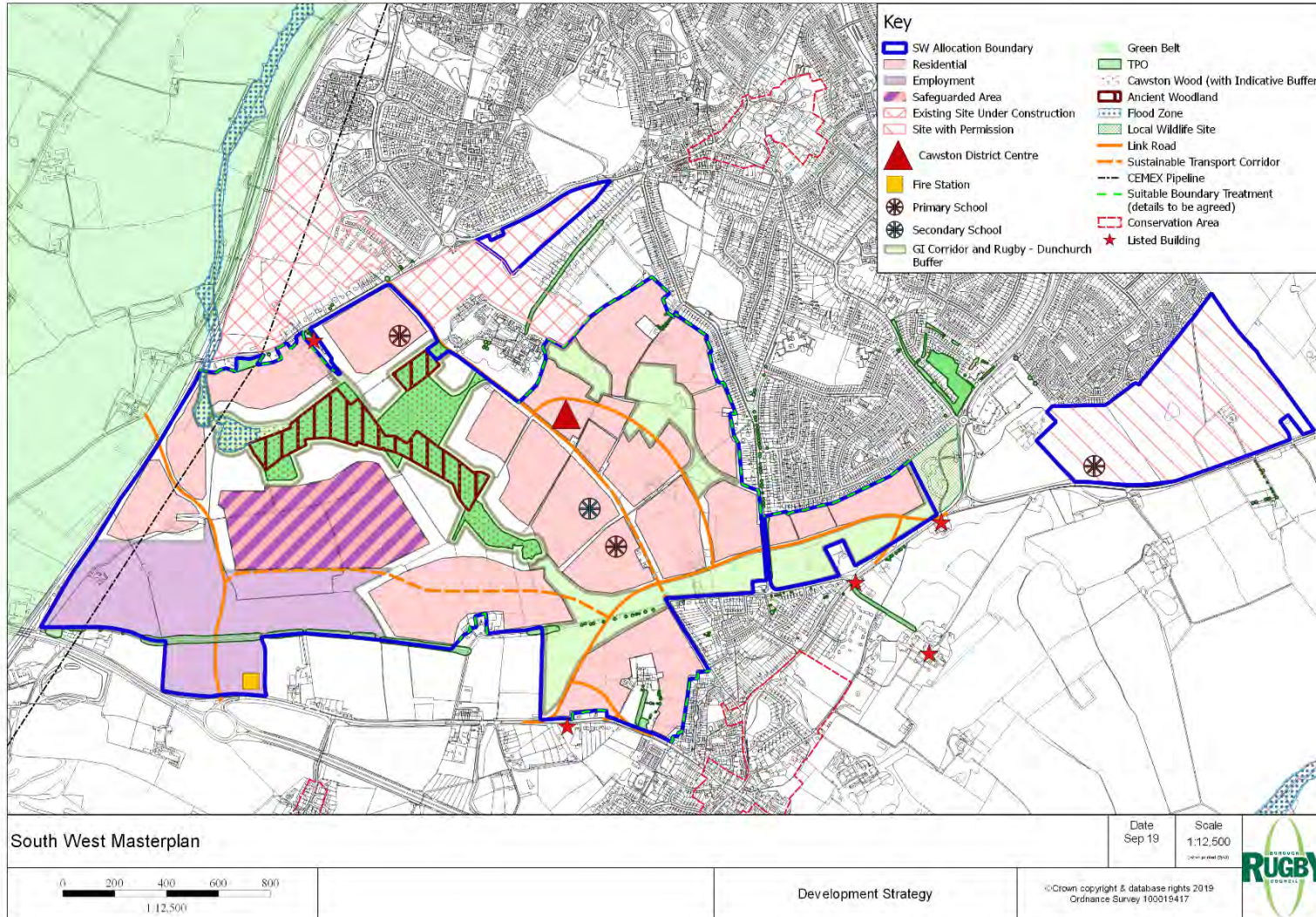
# Appendix C- 'Homestead Link' Draft Indicative Layout (To be delivered by 2026 in its entirety)



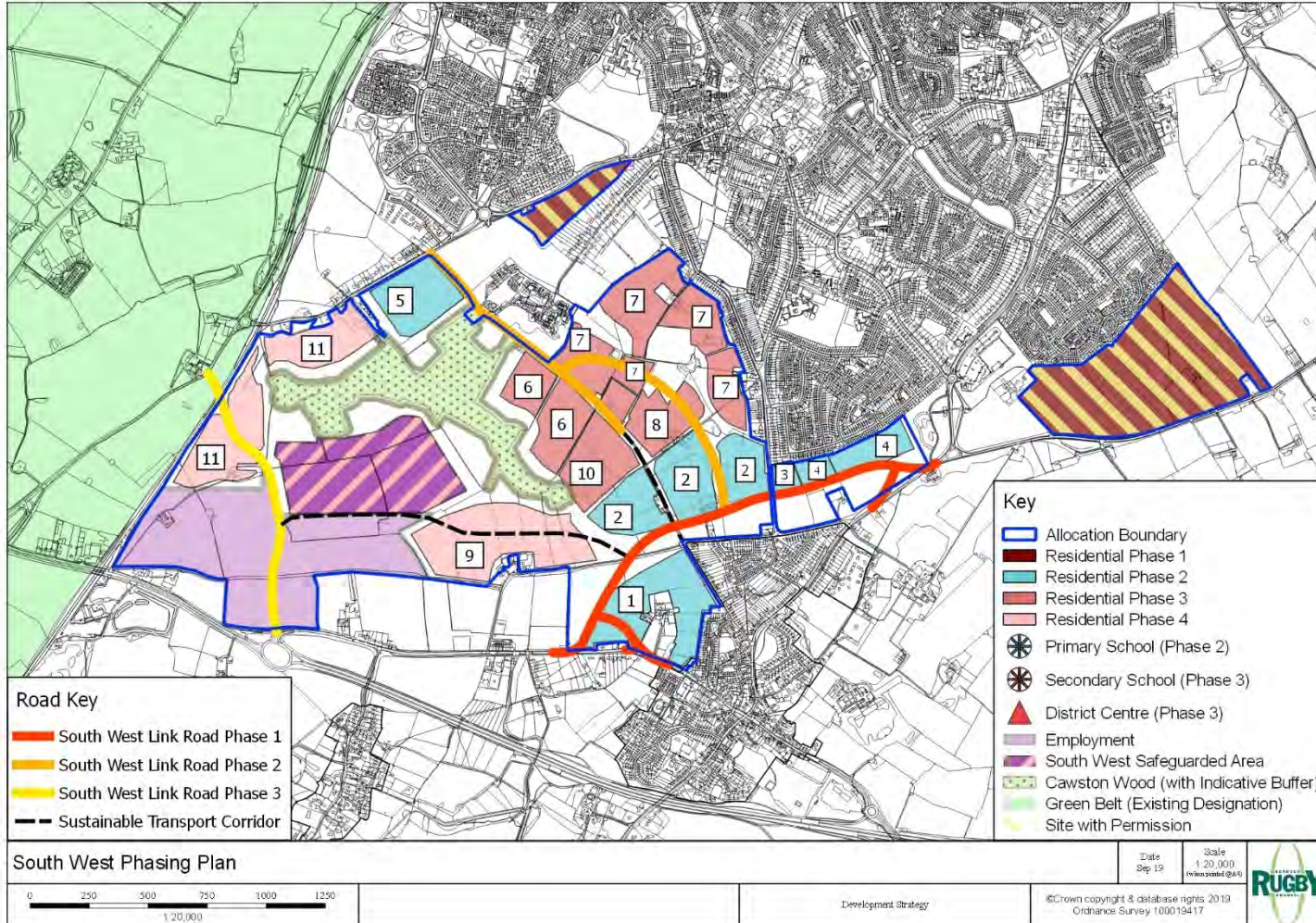
## **Appendix D - Woodland Management Plan**

See separate document

# Appendix E- Framework Masterplan



# Appendix F- Indicative Phasing of Development





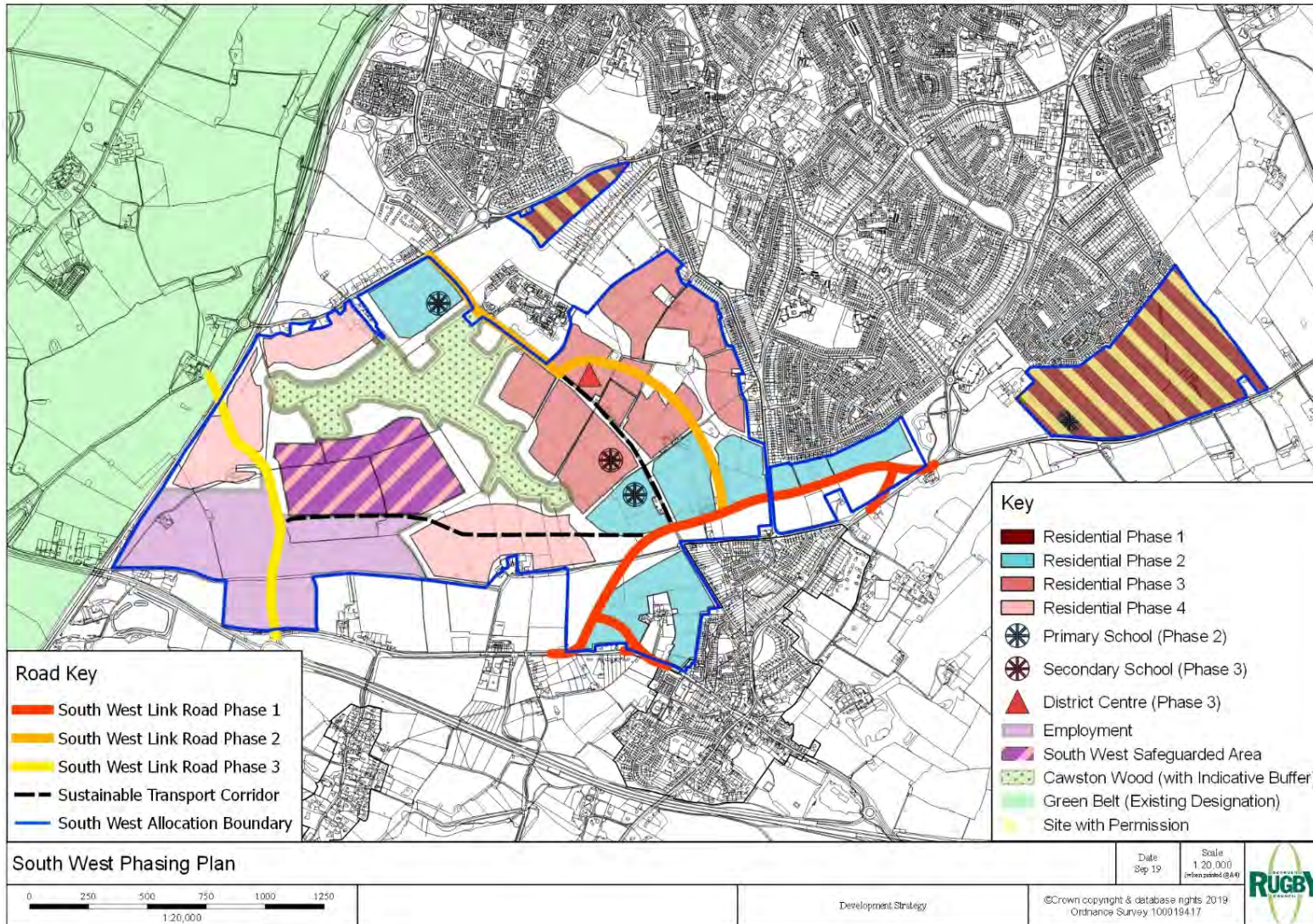
# Phased Development and Infrastructure Trajectory

		Local Plan Phase 2		Local Plan Phase 3					Local Plan Phase 4					Total
<b>HOUSING - Development Parcel</b>														
<b>Parcel no.</b>														
2	Homestead Farm		30	40	40	40	40	40	40	40	40			350
3	Land South Of Dunkleys Farm		30	40	40	40	40	40	40	40	40	40	40	430
4	Land South of Montague Rd		10	30										40
5	Land South of Montague Rd		30	40	40	40	40	40	30					260
6	South of Coventry Road		30	40	40	40	25							175
7	Land West of Cawston Lane						30	40						70
8	Land South of Alwyn Road			10	90	10	10	10	10	10	10	10	10	900
9	Land North of Dunkleys Farm				30	40	40	40	40	40	5			235
10	Deeley Land					30	40	40	40	40	40	40	40	310
11	Land West of Cawston Lane					30	40	40	40	5				155
12	Cawston Spinney					30	40	40	40	40	40	40	40	310
			130	200	280	390	435	420	370	305	265	220	220	3235
<b>STRATEGIC INFRASTRUCTURE - HOUSING</b>														
6 FE Secondary School, co-located with one of the primary schools														
2 x 2 FE primary schools with the potential to rise to 3FE														
Open Space and sports (typology in table 1 above)														
Land & financial contributions 3GP surgery rising to 7GP														
UHCW The Hospital of St.Cross														
<b>STRATEGIC INFRASTRUCTURE - ALL</b>														

Provision of high quality cycling network	[Yellow shaded cell]											
High quality public transport bus route	[Yellow shaded cell]	[Yellow shaded cell]	[Yellow shaded cell]	[Yellow shaded cell]	[Yellow shaded cell]	[Yellow shaded cell]	[Yellow shaded cell]	[Yellow shaded cell]	[Yellow shaded cell]	[Yellow shaded cell]	[Yellow shaded cell]	[Yellow shaded cell]
SWLR Cawston Lane re-routing -TBC	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]
49 additional Police staff (see IDP for detail)	[Yellow shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]
Construction of fire and rescue station	[Yellow shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]
A426/Bawnmore Road/Sainsbury's roundabout	[Grey shaded cell]	[Yellow shaded cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]
A426 Rugby Road btwn Ashlawn Road & Sainsbury's Roundabout	[Grey shaded cell]	[Yellow shaded cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]
A426 approach to Ashlawn Road roundabout	[Grey shaded cell]	[Yellow shaded cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]
South West Link Road - Homestead Link	[Grey shaded cell]	[Yellow shaded cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]
A426/Evreux Way	[Grey shaded cell]	[Yellow shaded cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Grey shaded cell]	[White cell]
SWLR - Potsford Dam Link (Cawston Bends & Potsford Dam roundabout)	[Grey shaded cell]	[White cell]	[Orange shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Orange shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Orange shaded cell]	[White cell]
Rugby Gyrotory Improvements	[Grey shaded cell]	[White cell]	[Orange shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Orange shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Orange shaded cell]	[White cell]
A 428 Hillmorton Road/Percival Road	[Grey shaded cell]	[White cell]	[Yellow shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Yellow shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Yellow shaded cell]	[White cell]
B4429 Ashlawn Road/Percival Road (widening to provide a right turn lane)	[Grey shaded cell]	[White cell]	[Light green shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Light green shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Light green shaded cell]	[White cell]
B5414 (North Street/Church Street) traffic calming and downgrading of route	[Grey shaded cell]	[White cell]	[Light green shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Light green shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Light green shaded cell]	[White cell]
Hillmorton Road/Whitehall Road Roundabout	[Grey shaded cell]	[White cell]	[Yellow shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Yellow shaded cell]	[White cell]	[Grey shaded cell]	[White cell]	[Yellow shaded cell]	[White cell]
District Centre	[White cell]	[White cell]	[Yellow shaded cell]	[Yellow shaded cell]	[Yellow shaded cell]	[Yellow shaded cell]	[Yellow shaded cell]	[Yellow shaded cell]	[White cell]	[White cell]	[White cell]	[White cell]

The anticipated build out rates for the housing element of this SPD and the phased delivery of the associated infrastructure from the Local Plan IDP are provided below. The table is taken from the Housing Trajectory as contained in Appendix 2 of the adopted Rugby Borough Local Plan. While the detailed numbers may vary, this appendix provides the principles of a phasing approach.

# Appendix G – Indicative Phasing Plan



## **Appendix H - Traffic Modelling Protocol agreed by Rugby Borough Council and Warwickshire County Council Highways, date**

### **Proposed Approach to Modelling and Appraisal Post Adoption of the Local Plan**

It is recognised that the work undertaken to date, to support the identification of transport infrastructure, and specifically highway capacity schemes, necessary to facilitate the local plan delivery, is high level.

The Strategic Transport Assessment (STA) prepared as part of the Local Plan evidence identifies what would be considered to be the critical dependencies (i.e. the essential infrastructure necessary to ensure an acceptable level of operation).

Therefore it is expected that the assessment and appraisal of infrastructure requirements will continue throughout the life of the local plan. It is expected that the development specific planning applications will be supported with transport modelling and that the approach to the modelling will be both consistent with the approach adopted for the STA (albeit in a greater level of detail) and also, where applicable, consistent between sites.

Consistency between sites will be particularly pertinent when considering the development area to the southwest which is promoted by multiple parties.

The consistency in the appraisal process is seen as a key determining factor in safeguarding the operation of the network post-adoption and also in ensuring that the schemes identified through the STA are delivered in an appropriate form.

Impact assessments which are completed on behalf of the individual developments will all be asked to reflect the same set of modelling scenarios and considerations, the only expected variations between each development will relate to the development proposals being tested, the year and, potentially, the commitments and permissions which will be likely to increase over time.

Developments assessments must set out:

An approach to establishing the localised impacts associated with the site which will not have been picked up within the STA work due to the strategic focus of the STA.

A secondary assessment will need to be completed to identify where the development impacts are likely to occur across the network and a review will be undertaken to establish if the areas of impact accord with those identified through the STA work or are entirely new.

Mitigation in areas not previously identified through the STA work<sup>9</sup> will need to be secured against the development proposals. Mitigation in areas where a strategic scheme has been identified will need to be secured via direct delivery or secured contributions, this will be subject to negotiations upon completion of the modelling and assessment.

Warwickshire County Council require modelling to be undertaken to support all substantial development proposals and this is a policy contained within LTP3 and the approach to modelling is also governed by a separate modelling protocol which ensures that the approach which is adopted is appropriate to the needs of the County.

In instances where multiple sites are being promoted within a single allocation area, area specific protocols will be defined which ensure that there is an even greater level of consistency between the different areas of development as such, key parameters will be controlled and agreed by all parties in advance, including:

Development trip rates and trip generation assumptions.

Development distribution patterns.

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<sup>9</sup> Recognising that the STA work is based on a 2017 model which will be subject to a series of updates, over time, to ensure that the traffic conditions within the model are representative of on-street conditions at an appropriate point in time (i.e. 5 years or greater).

Where it is necessary to do so, the need to include additional developments and interventions will also be documented as it will be necessary for live applications to be considered in conjunction with each other to avoid separate assessments for multiple sites being submitted in isolation of each other.

This approach also enables key areas of impact to be identified and assessed at a high level of detail. For example, the cumulative impacts on sensitive locations will especially need to be considered for those sites which come forward in advance of the delivery of key infrastructure which has been identified in these areas<sup>10</sup>.

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<sup>10</sup> For example the impacts on Dunchurch in advance of the Link Road being delivered.

# Appendix I - SA and SEA Screening Opinion

## Rugby Borough Council

### Strategic Environmental Assessment Screening Opinion

### South West Rugby Supplementary Planning Document September 2019

#### Introduction

This Screening Opinion has been produced to determine the need for a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPP Regulations).

The purpose of the Screening Opinion is to undertake a screening assessment that meets the requirements of the European Legislation, applied in the UK through the EAPP Regulations.

The policy framework for the South West Rugby Supplementary Planning Document (SPD) is the Rugby Borough Local Plan 2011-2031 (adopted June 2019).

The SPD will be subject to public consultation in accordance with the relevant regulations and in line with the Council's Statement of Community Involvement.

#### Requirement for SEA

Previous UK legislation required all land use plans, including Supplementary Planning Documents to be subject to Sustainability Appraisal, which incorporated the need for Strategic Environmental Assessment. The 2008 Planning Act (paragraph 180 (5d)) and the Town and Country Planning (Local Planning) (England) Regulations 2012 removed the UK legislative requirement for the sustainability appraisal of Supplementary Planning Documents. However, SPDs may still require SEA in exceptional circumstances if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan. Many councils prepare screening opinions to provide a transparent process to demonstrate that the environmental effects have been assessed in accordance with the EAPP Regulations to identify any requirement for SEA.

#### Application of the SEA Directive

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Is the Plan likely to have a significant environmental effect Y/N	Summary of significant effects. Scope and influence of the document
Regulation	Y / N	Reason
Regulation 2 (1)  Is the SPD subject to preparation and/or adoption by a national, regional or local authority or prepared by an authority through a legislative procedure by Parliament or Government  (Article 2(a))	Yes	The SPD is prepared and will be adopted by Rugby Borough Council.
Is the SPD required by legislative, regulatory or administrative provisions (Article 2(a))	Yes	It is required to complete local plan policy.
Regulation 5(2)  Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use; AND does it set the framework for future development consent of projects in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain public and	Yes	The SPD is required for town and country planning purposes and it provides further detail to adopted policies in the Local Plan. The SPD is supplementary to the Local Plan policies and only seeks to expand on the policies and set out the detailed requirements to bring the development forward.

private projects on the environment, as amended by Council Directive 97/11/EC?  (Article 3.2(a))		
Regulation 5(3)  Will the SPD, in view of the likely effect on sites, require an assessment pursuant to Article 6 or 7 of the Habitats Directive?  (Article 3.2(b))	No	The adopted Local Plan was subject to a Sustainability Appraisal that sets the framework for growth and development within the borough until 2031. SPDs are required, by virtue of the fact they must be supplementary to an adopted policy, to help achieve sustainable development.
It may be required that the Plan would be eligible for full SEA, unless the exemptions set out under Reg 5 (5) or 5(6) apply.		
Regulation 5 (5) Is the SPD sole purpose to serve national defence or civil emergency; a financial or budget PP or is it co-financed under Council Regulations (EC) No's 1260/1999 or 1257/1999  (Article 3.8,3.9)	No	Not applicable
Regulation 5(6)  Does the SPD:  determine the use of a small area at local level; or propose a minor modification of an existing PP subject of the regulations.  (Article 3.3)	No	(a) The SPD does not designate land for development. Policies DS8 and DS9 in the Local Plan allocate (determine) the use of the land. The SPD is supplementary to these policies and only seeks to clarify the detailed requirements in bringing the development forward. The level of development designated is strategic in scale but the detail associated with that development is not. This view is enforced by the analysis of likely significant effects set out in the table below. It is also consistent with the strategic provisions of the adopted development plan. The effects of the allocations and use of land has been dealt with via the Sustainability Appraisal process associated with the Local Plan.  (b)The SPD does not propose minor modifications of an existing PP subject of the regulations.
It may still be required that the Plan would be eligible for full SEA, unless it is determined that it will not give rise to significant environmental effects under Regulation 9.		
Regulation 9(1)  Is the PP likely to have a significant effect on the environment taking into account the views of the consultation bodies and the criteria set out at Schedule 1 of the Regulations?  (Article 3.5)	No	Whilst it has been identified that there are protected designations within the SPD area, including ancient woodland, protected trees and rights of way, all three bodies are confident that the scale, location and probable impact of growth will not give rise to any significant environmental effects. In any event, the SPD does not allocate land for development and it is merely supplementary to a Local Plan policy.

The following assessment was made by Rugby Borough Council as to whether the SPD was likely to have any significant environmental effects. This takes into account the responses and independent assessments of the relevant consultation bodies against the Schedule 1 criteria in the EAPP Regulations, set out below. This assessment has been undertaken bearing in mind the following context:

The SPD has been developed to be in general conformity with the strategic policies of the adopted development plan together with the NPPF

The Local Plan was subject to a Sustainability Appraisal that sets the framework for growth and development within the borough until 2031.

The assessment set out below has been informed in a large part by discussions and the written responses of the three named consultation bodies.

The assessment set out below has also been informed by other relevant screenings of the SPD against the Habitat Regulations.

Criteria	Assessment	Significant environmental effect (positive or negative)?
<b>1. The characteristics of plans and programmes, having regard to:</b>		
(a) The degree to which the SPD sets a framework for projects and other activities, either in regard to location, nature, size and operating conditions or by allocating resources.	The SPD sets out the Council's approach to how development should come forward including phasing and developer contributions. It adds detail to the framework for development set out in the Local Plan policies DS8 and DS9. To this end it cannot by its nature provide for development that exceeds the intentions of the emerging Local Plan and instead provides the details associated with the requirements for future development of the site. The SPD does not allocate resources but it does provide guidance on where land uses (and their associated resources) should be directed. Overall, however, it does not set a framework, only adding detail to existing policies.	No
(b) The degree to which the plan or programme influences other plans and programmes including those in the hierarchy.	The SPD supplements the policies of the Local Plan by adding further detail. The SPD does not influence other development plan documents and is in general conformity with the development plan.	No
(c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	SPDs are required, by virtue of the fact they must be supplementary to an adopted policy help achieve sustainable development. This includes environmental sustainability, as one of the three pillars identified in the NPPF. The primary objective of the SPD is to plan positively and achieve a sustainable level of growth whilst maintaining both the built and natural environment, taking into account on site constraints and ensuring development is comprehensive. This is in accordance with the NPPF.	No
(d) Environmental problems relevant to the plan or programme.	Policies DS8 and DS9 of the Local Plan have been subject to a Sustainability Appraisal process. The detail associated with the SPD will successfully manage the introduction of development to the extent that any residual environmental issues will be mitigated against sufficiently. Some of the key objectives are to ensure the protection of Cawston Spinney, promote green infrastructure corridors and provide a landscape buffer to ensure coalescence does not occur with Dunchurch.	No
(e) The relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The SPD is not relevant in this instance, as the matters described are guided by higher level legislation. Instead, the policies of the Local Plan must have regard to these matters and seek to ensure that any development it promotes does not	No



	compromise the objectives of higher level strategies.	
2. The characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
(a)The probability, duration, frequency and reversibility of effects	Once development has started then the nature of the land will be changed and will not be reversible. However, the principle of developing the area for residential will have been established through the adoption of the Local Plan policy, not the SPD. Since the SPD itself does not allocate land or formulate policies for this land, the effects of the SPD are not considered significant.	No
(b) The cumulative nature of the effects	The principle of developing the area for residential use will have been established through the adoption of the Local Plan policy, not the SPD. Since the SPD itself does not allocate land or formulate policies for this land, the effects of the SPD are not considered significant.	No
(c)The transboundary nature of the effects	In context the SPD is seeking to manage future development by listing requirements that assist in developing the area in the most sustainable manner possible. It is unlikely that the SPD will have any sort of significant transboundary effect, taken primarily to mean impacting on another EU member state, as defined in the EIA Regulations. Even if 'transboundary' were to be defined as impacting on the jurisdiction of other administrative areas within the UK (for example between parishes or boroughs) the effect would be minimal in both instances.	No
(d)The risks to human health or the environment (for example, due to accidents)	It is highly unlikely that the SPD will give rise to any significant instances of risk to human health. It principally proposes the delivery of residential development by way of a policy that seeks to ensure that the impacts of development are successfully mitigated, thereby allowing development to go ahead.	No
(e)The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	As identified above it is highly unlikely that any environmental effect brought about by the SPD will be of any magnitude or impact on any area of scale. It is particularly important to remember that the SPD does not allocate land for development and it is merely supplementary to a Local Plan policy.	No
(f)The value and vulnerability of the area likely to be affected due to (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land use.	The response from all three consultation bodies, including Natural England's response in relation to Habitats Regulations Assessment screening have been referred to in this instance. Whilst it has been identified that there are protected designations with the SPD area, including ancient woodland, protected trees and a right of way, all three bodies are confident that the scale, location and probable impact of growth will not give rise to any significant environmental effects. In any event, the SPD does not allocate land for development and it is merely supplementary to a Local Plan policy.	No
(g)The effects on areas or landscapes which have a recognised national, Community or international protection status.	There are no designations relating to national or international protection status. Cawston Spinney is in the centre of the site which includes an area of ancient woodland. This habitat will need to be safeguarded and provide a buffer from development. A full assessment of the potential impact on the designation by Natural England has taken place as part of the consideration of the Local Plan. As long as subsequent planning application	No

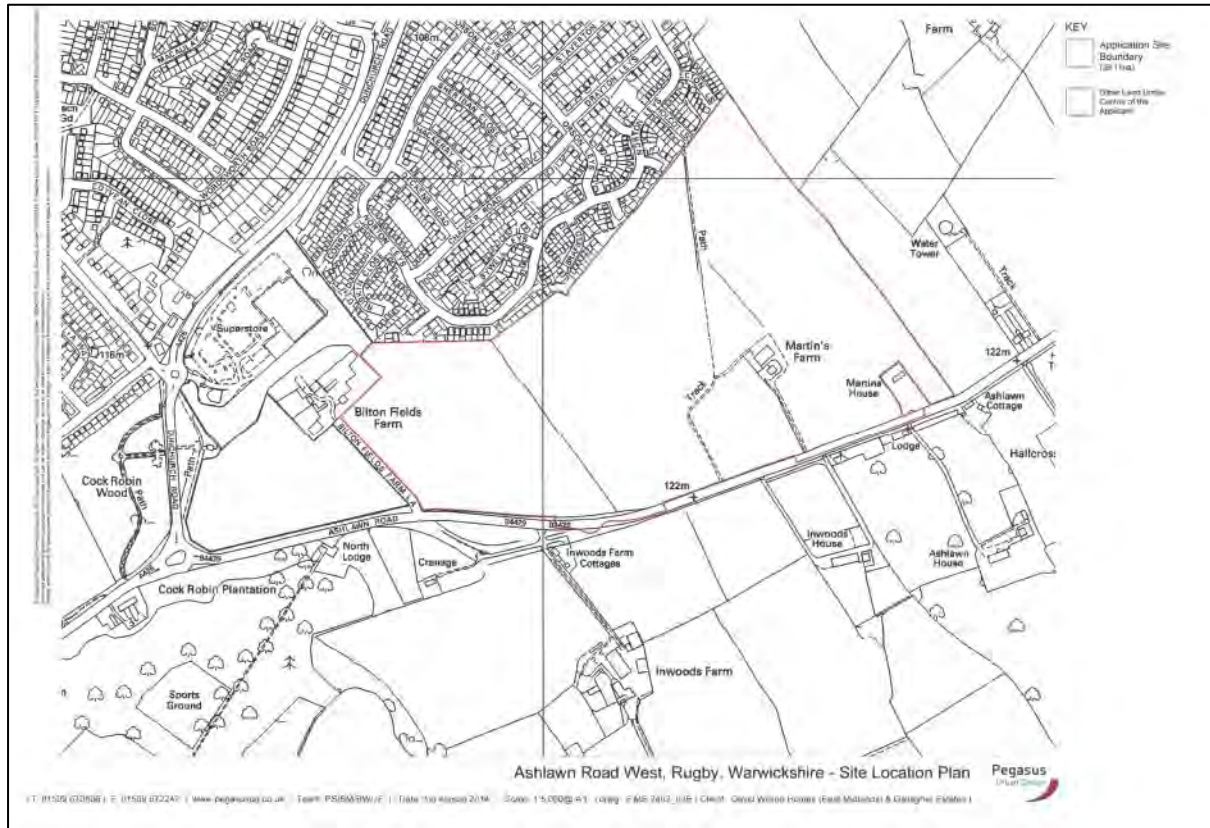
	adhere to the principles of the SPD, the effects in this category are unlikely.	
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As a result of the assessment set out above, incorporating the comments of the three consultation bodies, it is the view of the responsible body, Rugby Borough Council that the SPD will not give rise to any significant environmental effects and therefore SEA is not required.

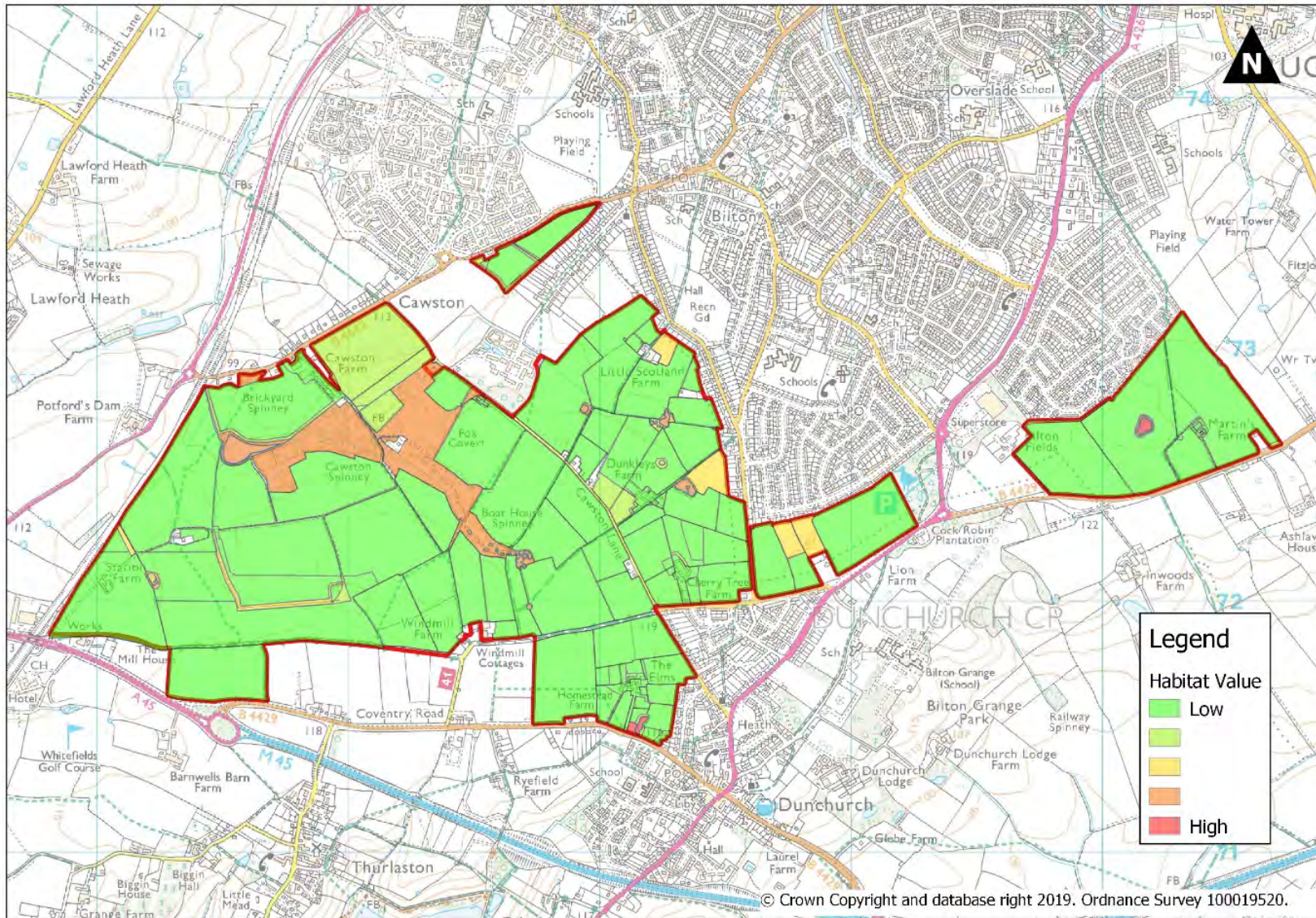
## Appendix J – Ashlawn Road Permission Plan

Ashlawn Road Site Application Reference: R13/2012 - Outline application for the demolition of existing buildings, erection of up to 860 dwellings, land for a potential primary school, two vehicular accesses from Ashlawn Road and the provision of a bus link control feature to Norton Leys, open space, green infrastructure, landscaping and associated infrastructure, including sustainable urban drainage features. All matters to be reserved except access points into the site.

Granted on appeal by the Secretary of State on 10 July 2017.



**Appendix K – Baseline Habitat Values for Biodiversity Net Gain Calculations**



## Appendix L – Design Principles

### Part A

Site-wide design principles:

- As there will be no master developer onsite it is important that each planning application submission has regard to its wider context and specific characteristics.
- Care must be taken with the proximity of different types of development ensuring that consideration is given to the form of development, particularly in relation to height and massing; the amenity of existing and future residents; and the conservation and enhancement of the natural environment.
- The design standards throughout the allocation will reflect the high quality of the natural assets within and adjoining the South West Rugby site including Cawston Spinney and Cock Robin Wood.
- Appropriate landscaping buffering must be considered.

### Part B

Residential design principles:

- The density of residential development should sit broadly in line with that of recent extension to the urban area of Rugby. Individual residential parcels in South West Rugby vary in density. This has been calculated from the outline of each residential parcel and as such does include the internal roads but does not include any large areas of open space or play;
- Higher densities would be appropriate around the District Centre. Higher densities will also be appropriate alongside the sustainable bus link which will provide quick access to bus routes. The density will be expected to drop to lower densities to the east of the site where it adjoins Cock Robin Wood and to the west where it adjoins Cawston Spinney, and along the Green/ Blue Infrastructure corridor;
- Affordable housing should be well integrated with market dwellings and housing types and sizes should be varied across the site;
- Housing should be laid out to create a variety of frontages which could include stepped, staggered and consistent. This will add character and interest to the street scene and allow different areas of South West Rugby to form their own identities. Layouts should ensure that housing looks out onto the areas of open space and does not leave blank or boundary walls adjacent to these areas. Rear gardens should not back onto the Cawston Spinney or Cock Robin Wood. As well as providing overlooking and increased safety this will reduce the risk from people tipping garden waste or compost over the fences into these important biodiversity sites;
- Dwellings should be of a high quality design and include features of architectural interest which contribute to create a place which is both visually attractive and adds to the overall quality of

the area. Features could include, but are not limited to, functional porches (not decorative), chimneys, dormer windows which complement the design and bay windows. The highest quality materials should be used on the most prominent buildings. These will be those which form gateways into each residential plot or those which are highly visible from multiple views such as corner plots;

- Primary entrances to buildings should be visible from the public realm with active frontages created along main routes and spaces;
- Corner plots should positively address both sides to avoid blank walls facing out onto the street;
- Privacy should be maintained through the application of the 45 degree rule for habitable rooms, by ensuring garden depth is a minimum of 10m and by allowing a minimum of 20m between windows of separate properties;
- To avoid loss of daylight and sunlight there should be at least 14m between a wall with windows and a blank 2 storey wall and 12m between a wall with windows and a blank single storey wall. This applies to the walls of garages and outbuildings as well as dwellings;
- Side boundaries should be constructed in brick to provide continuity with the main built form. Rear boundaries can be brick or fenced. Both should have a landscaping buffer of at least 0.5 metres where they are adjacent to the highway;
- The appearance of buildings and the streetscape should have regard to the local context. The use of different materials is important to ensure that interest and character are added to the street scene. Material types may tie in with different character areas created across the site to ensure that areas have their own identity, without compromising the overall sense of place and legibility of the site as a whole;
- Development designs that facilitate the use and help the retention of parking spaces will be encouraged. This may for example include generously sized spaces, or using a large single garage door instead of two single doors on a double garage;
- Off-street bin storage should be provided for all buildings; and
- Opportunities should be taken to incorporate renewable and low carbon technologies into the design of the development, such as solar panels and ground source heat pumps.

## Part C

Employment design principles:

- The maximum height will be determined through a Landscape Visual Impact Assessment which will need to consider proximity to the residential areas, impacts on Thurlaston Conservation Area and the topography of the site;
- Within the employment area front elevations to buildings should be visible from the public realm with active frontages created where possible; and
- The use of solar panels on the roofs of the employment buildings is strongly encouraged, as well as the incorporation of other renewable and low carbon technologies, in the interests of sustainability and combatting climate change.

## **Location and Design Principles for Schools**

### Part D

The Local Education Authority will expect the location of each of the schools to be provided on the South West Rugby site to meet the following criteria or to provide appropriate mitigation where this is not possible:

- The school site should be a flat, useable space which ideally should be square or rectangular;
- The ground should be broadly level and should be level with surrounding areas, in particular with suitable points of vehicular and pedestrian access;
- The land should have at least 30cm of clean topsoil and should not be liable to flooding;
- The land should not be crossed by any public rights of way and should not be bounded or crossed by any power lines. It should be a sufficient distance from gas lines based on advice from the Health and Safety Executive;
- The site should be free from protected species;
- The soil and water table should be free of contamination and the site should not be affected by ground gases or vapours;
- The site should be outside any current or proposed sources of 55db LAeq (30 min) noise source or contour;
- The site is free from invasive plants such as Japanese knotweed;
- The site is not affected by potential sources of light pollution;
- The site is a sufficient distance away from land uses that could cause public anxiety including potentially dangerous employment uses such as chemical storage, storage of live viruses, phone or radio masts and transmitters or major sources of dust or strong odours; and
- The site is free from any encumbrances that may need to be removed such as spoil and fly tipping, certain trees and any void spaces including well, sumps and pits.

### Part E

The Local Education Authority will expect the location of each of the schools to be provided on the South West Rugby site to meet the following criteria:

- The primary elevation of the school should provide an identifiable focal point;
- Structural landscaping should ensure privacy between the school grounds and residential properties;
- Safe pedestrian crossings should be provided on all streets which have access to the school; and
- The school should be set back from the highway.



## **Criteria for Neighbourhood Equipped Area for Play (NEAP(s)) and Locally Equipped Area for Play (LEAP(s))**

### Part F

The Council expects the location and design of a NEAP to meet the following criteria:

- It should be within a 15 minute walking time from home. NEAPs centrally located within each development parcel would ensure all homes will be 15 minutes from a NEAP;
- It should have a minimum activity zone of 1000 sqm comprising of an area for play equipment and a hard surfaced area of at least 465 sqm (this is the minimum needed to play 5 a side football);
- It should be positioned beside a well-used pedestrian route, and overseen;
- It should occupy a reasonably flat site surfaced with grass and hard surfaced areas, with impact absorbing surface beneath and around play structures as appropriate;
- It should be designed to provide a stimulating and challenging play experience with a minimum of 9 play experiences and at least 8 types of equipment;
- It should have a multi-games area (MUGA) consisting of a hard surface for ball games and wheel sports, a shelter for meeting and socialising, seating and litter bins;
- A buffer zone of 30m should separate the activity zone from the boundary of the nearest property; and
- The specification should be based on RBC's Play Strategy and Field in Trust guidelines.

### Part G

The Council expects the location and design of a LEAP to meet the following criteria:

- It should be within 5 minutes walking time from home. The optimum location and distribution of LEAPs would ensure that the majority of homes are within a 5 minute walk to a play area;
- It should have a minimum activity zone of 400 sqm;
- It should be positioned beside a well-used pedestrian route and overseen;
- It should be designed to provide a stimulating and challenging play experience. It must include a minimum of 6 play experiences and at least 5 types of equipment as well as seating and litter bins;
- It should have a buffer zone of 20m between the activity zone and the habitable room elevation of the nearest property and a buffer zone of 10m between the activity zone and the boundary of the nearest dwelling; and
- The specification should be based on RBC's Play Strategy and Field in Trust guidelines.

## Appendix M – Table of Infrastructure Requirements for the South West Rugby Allocation October 2019

**Table A: Housing Only**

Strategic Infrastructure	Phase	Total Cost
6 FE Secondary School, co-located with one of the primary schools	TBC	£ 24,000,000
Open Space and sports (typology in table 1 above)	Ongoing/throughout the plan period	£ 12,436,434
Land to accommodate and financial contributions to provide 3GP surgery rising to 7GP upon completion of the site	Commence in 2021 (Local Plan period Phase 2), completion post plan period	£ 4,222,021
UHCW The Hospital of St.Cross (detail set out in appendix 3 of the local plan)	Commence in phase 2, completion post plan period	£ 1,000,000
South Warwickshire NHS Foundation Trust	TBC	£ 309,796
2 x 2 FE primary schools with the potential to rise to 3FE	2026 (Phase 3)	£ 12,000,000
<b>TOTAL</b>		£ 53,968,251

**Table B: All Uses**

Strategic Infrastructure	Phase	Total Cost
Provision of high quality cycling network	Ongoing/throughout the plan period	£ 2,600,000
National Cycle Route 41 Potsford dam to Draycote Water		£900,000
Connecting B4429 Ashlawn Road to Great Central Way		£750,000
A426 Dunchurch Road to Rugby Town Centre		£700,000
Secondary route improvements		£250,000

High quality public transport bus route	Ongoing	£	3,720,000
SWLR Cawston Lane re-routing	TBC	£	5,784,264
The employment and deployment of 49 additional Police staff requiring a) additional staff startup cost and personal equipment b) additional vehicles c) on site premises to cater for the additional staff	Phase 2 By 2021	£	1,558,708
Construction of fire and rescue station	Phase 2 By 2021	£	3,500,000

A426/Bawnmore Road/Sainsbury's roundabout	2026 (Phase 3)	£	774,174
A426 Rugby Road between Ashlawn Road and Sainsbury's Roundabout	2026 (Phase 3)	£	778,217
A426 approach to Ashlawn Road roundabout	2026 (Phase 3)	£	708,362
South West Link Road - Homestead Link	2026 (Phase 3)	£	19,764,864

A426/Evreux Way	2026 (Phase 3)	£	5,000.00
SWLR - Potsford Dam Link (including Cawston Bends and Potsford Dam roundabout improvements)	2031 (Phase 4)	£	12,691,624
Rugby Gyrotory Improvements	2031 (Phase 4)	£	500,000
A 428 Hillmorton Road/Percival Road	2031 (Phase 4)	£	411,454
B4429 Ashlawn Road/Percival Road (widening to provide a right turn lane)	2031 (Phase 4)	£	361,327

B5414 (North Street/Church Street) traffic calming and downgrading of route	2031 (Phase 4)	£	500,000
Hillmorton Road/Whitehall Road Roundabout (widen two arms to provide roundabout and 2 puffin crossings)	2031 (Phase 4)	£	457,178
		£	54,115,172

## Appendix N – Tariff

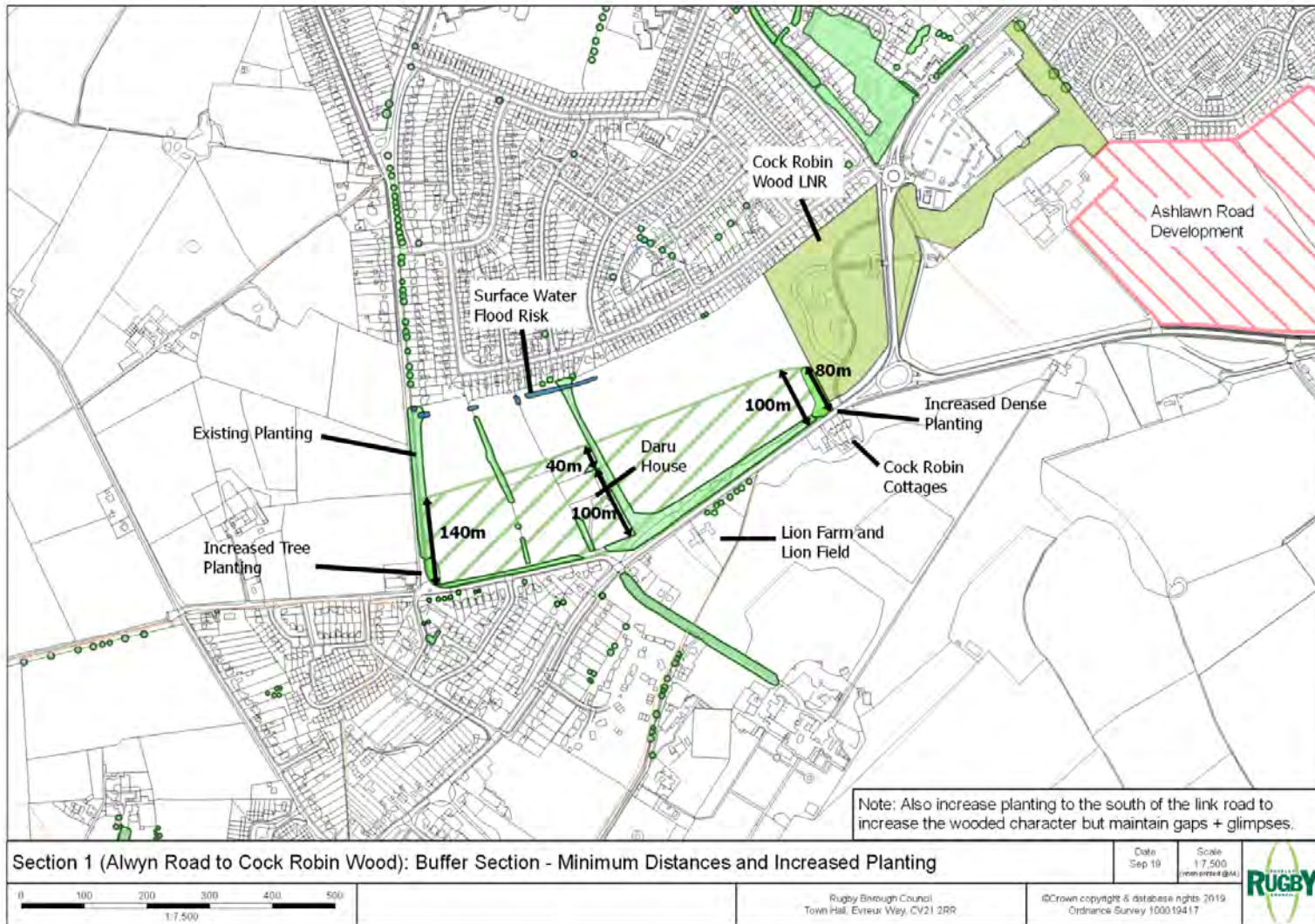
N.1 As explained in Section 7 above, there will be two or more levels of tariff, in each case expressed as a formula consisting of £x per square metre of development and being the amount each proposed development should contribute towards the overall strategic infrastructure costs. There will be one tariff for development which consists of employment and another tariff for development which consists of residential uses. There may be additional tariffs for other identified uses. Where a mixed-use development is brought forward, each tariff will be applied to the relevant part of the development. This is to reflect the fact that some items of strategic infrastructure (set out in Table A) are required to mitigate the impact of residential development only.

N.2 Tables A and B in Appendix M give the current estimated cost for the strategic infrastructure required to mitigate the impact of these developments – Table A setting out costs of strategic infrastructure required for housing development only and Table B setting out costs of strategic infrastructure required for all development. The costs set out in Tables A and B have been used to calculate the tariffs, taking into account the quantum of development currently considered likely to come forward on the site.

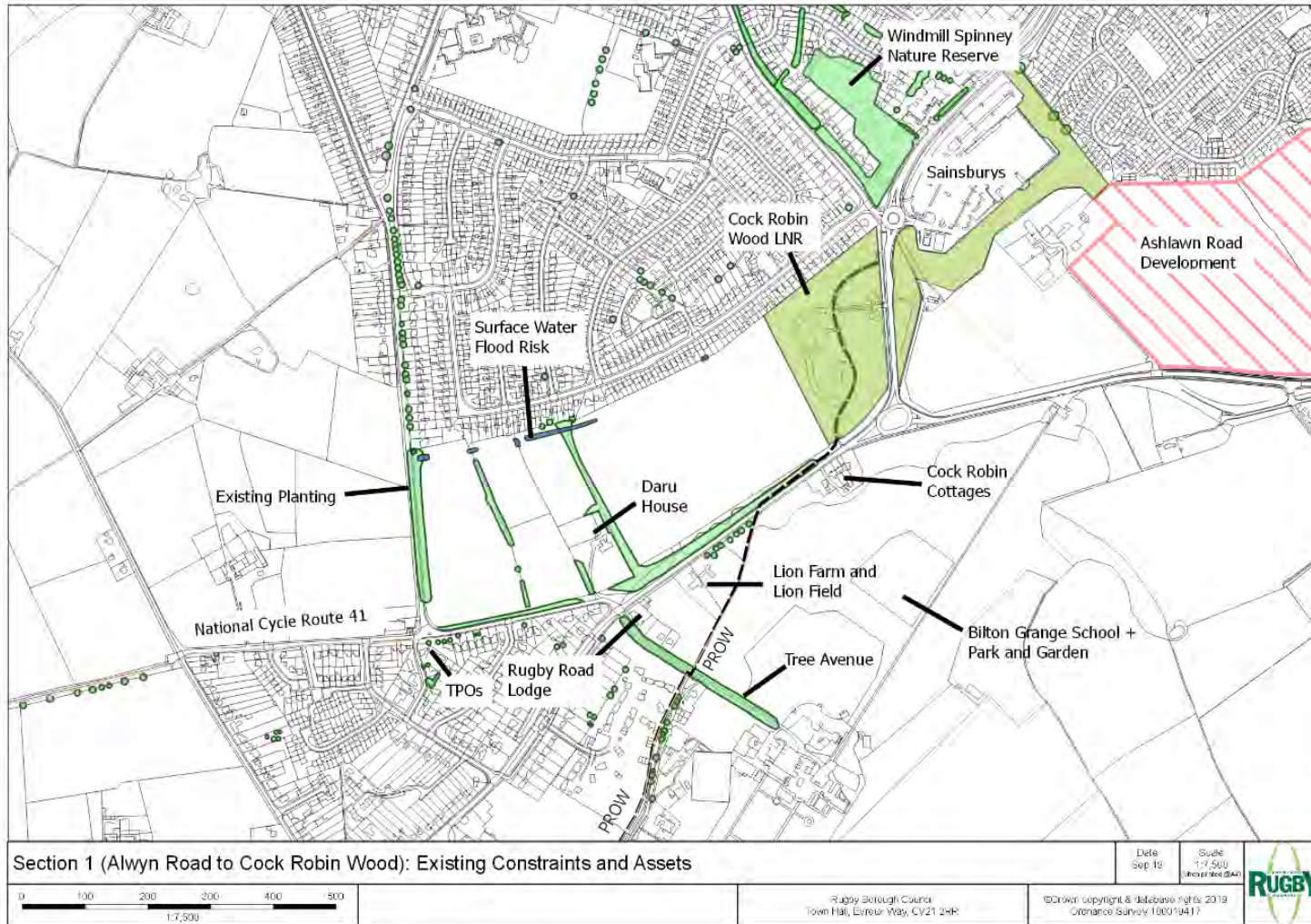
N.3 Over the lifetime of the development it is currently estimated that 3,890 dwellings will come forward on the site. Assuming that each dwelling is an average of around 120 sq.m. then the total amount of residential development would be around 466,800 sq.m. It is also currently estimated that around 186,500 sq.m. of employment development will come forward on the site, giving a combined development total of around 653,300 sq.m. The infrastructure requirements set out in Table B apply to all land uses so total cost of £54,115,172 divided by a total amount of floorspace (around 653,300 sq.m) gives a cost of £82.83 per sq.m payable by all development. Table A shows infrastructure requirements costing £53,968,251, to be divided across around 466,800 sq.m of residential development, giving £115.61 per sq.m additionally payable in respect of residential development. Adding in the residential developments share of the Table B infrastructure costs (£82.83) gives a total of £198.44 per sq.m for residential development.

N.4 Therefore the tariff for solely residential development is £198.44 per sq.m. and the tariff for all other development is £82.83 per sq.m. These rates will be subject to review and updates will be published annually and a new Appendix N to this SPD will then be published. These rates will also be index-linked in each section 106 agreement, from the date of the agreement to the date on which the sum in paid pursuant to the section 106 agreement.

Appendix O – Rugby to Dunchurch Buffer: Section 1

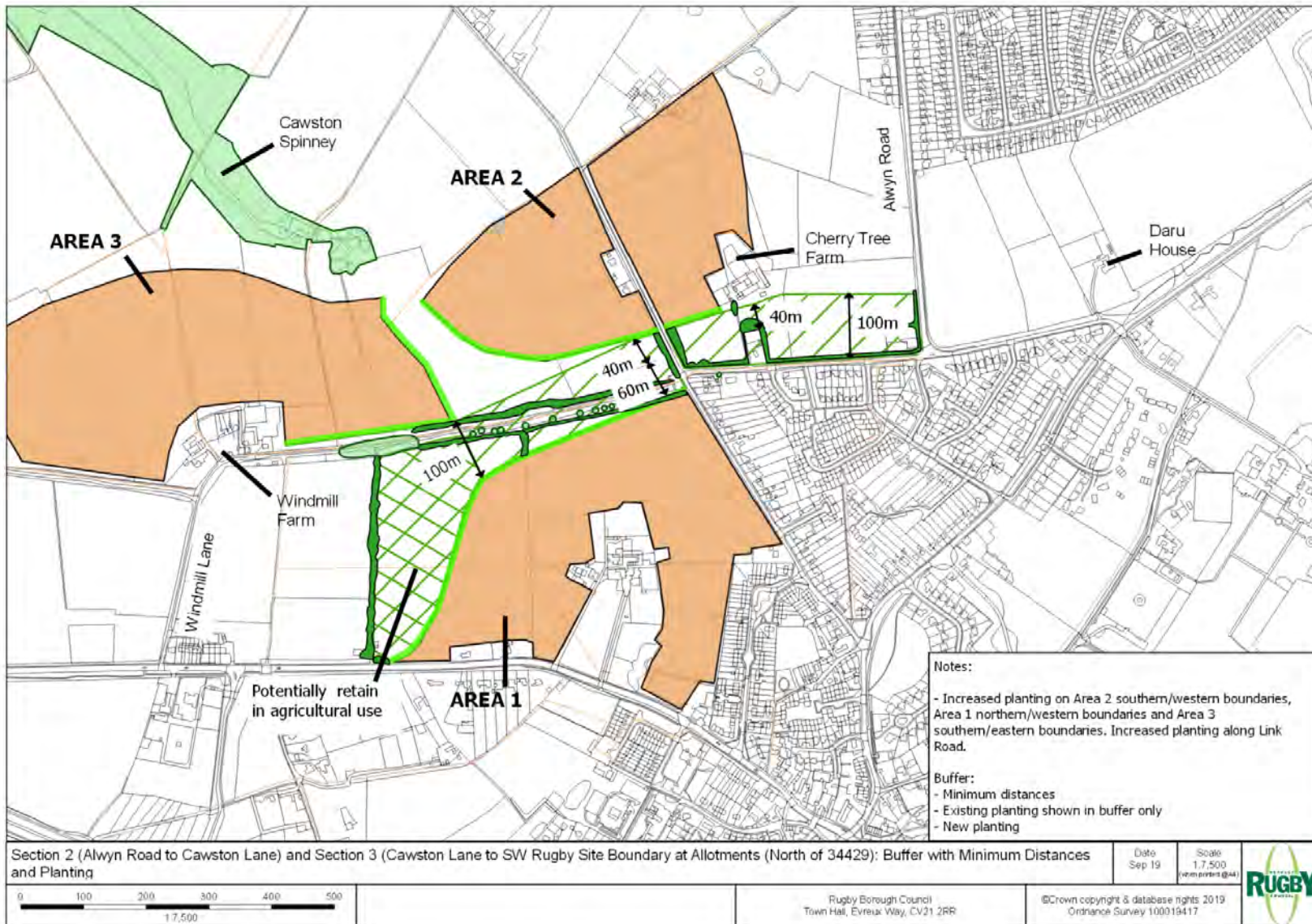


**Appendix O – Rugby to Dunchurch Buffer: Section 1 constraints and assets**

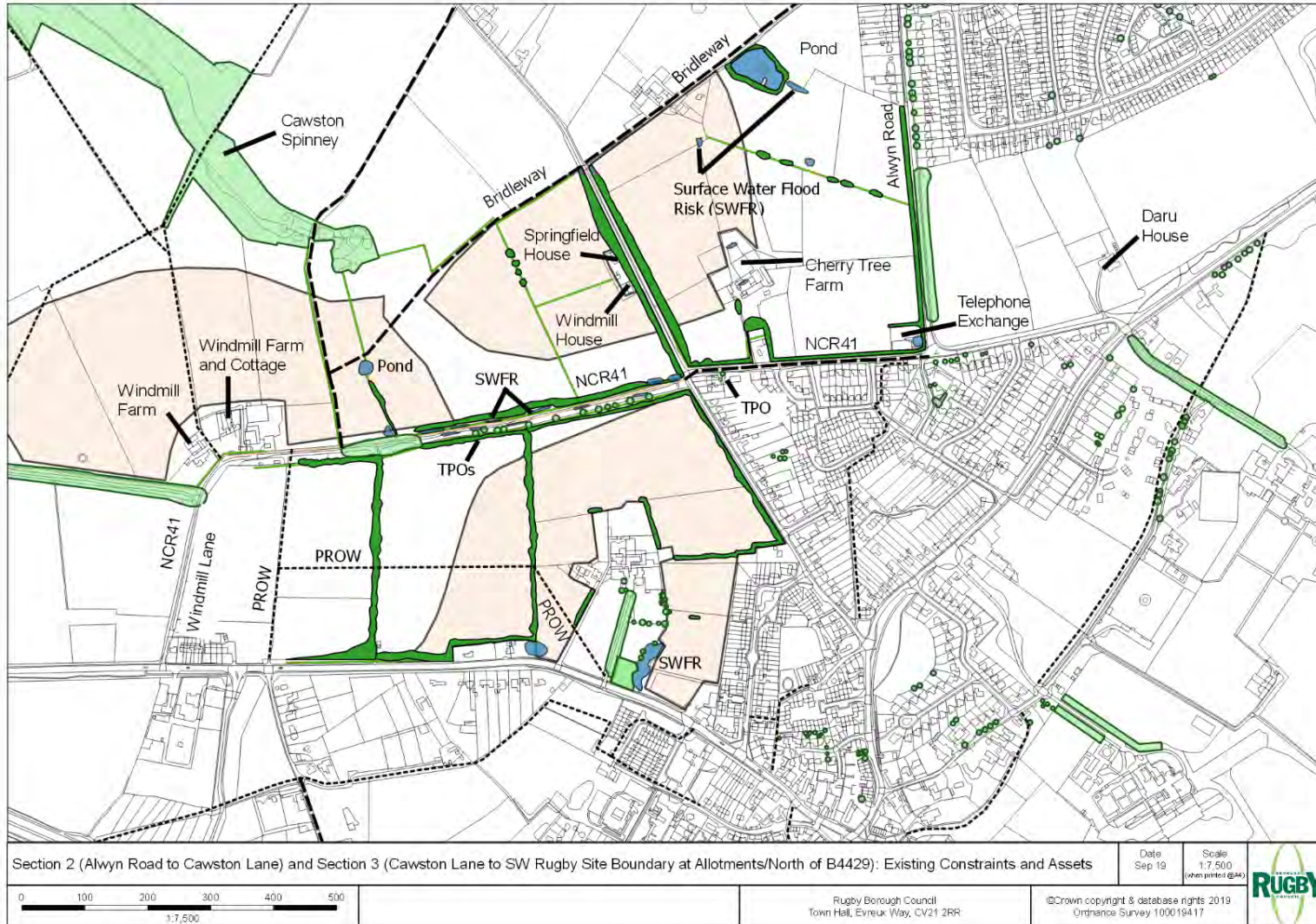


**Appendix O - Rugby to Dunchurch Buffer: Section 2**





## Appendix O - Rugby to Dunchurch Buffer: Section 2 constraints and assets



# Cawston Spinney/Cawston Fox Covert – Local Wildlife Site

## Woodland Management Plan – 2019



<b>To be completed by the plan author:</b>	
<b>Woodland or Property name</b>	Cawston Spinney/Cawston Fox Covert
<b>Woodland Management Plan case reference</b>	TBC
<b>The landowner agrees this plan as a statement of intent for the woodland</b>	Yes/No
<b>Plan author name:</b>	Karl Curtis Warwickshire Wildlife Trust Ltd
<b>Prepared on behalf of:</b>	Db Symmetry Ltd and L&Q Estates Ltd

Revision No.	Date	Status (draft/final)	Reason for Revision
1.0	16/05/19	Draft	WWT edition
2.0	29/05/19	Draft	WWT plus plans
3.0	04/09/19	Draft	Text amendments

Cawston Spinney/Cawston Fox Covert			
Name	Karl Curtis	Owner	Tenant
Email	<a href="mailto:Karl.curtis@wkw.org.uk">Karl.curtis@wkw.org.uk</a>	Contact Number	07740082552
Agent Name (if applicable)		N/A	
Email	N/A	Contact Number	N/A
County	Warwickshire	Local Authority	Rugby Borough Council
Grid Reference	Cawston Spinney: SP469726 Cawston Fox Covert: SP472727	Single Business Identifier	107146035
What is the total area of this woodland management plan? (In hectares)		22.2 hectares (50.08 acres)	
You have included an Inventory and Plan of Operations with this woodland management plan?		No	
You have listed the maps associated with this woodland management plan?		Yes	
Do you intend to use the information within this woodland management plan and associated Inventory and Plan of Operations to apply for the following?		Felling Licence	Yes/No
		Thinning Licence	Yes/No
		Woodland Regeneration Grant	Yes/No
You declare that there is management control of the woodland detailed within the woodland management plan?		Yes/No	
You agree to make the woodland management plan publicly available?		Yes/No	

## 1.0 INTRODUCTION

### Background and Planning Context

This Woodland Management Plan (WMP) has been prepared by Warwickshire Wildlife Trust Ltd (WWT) having been commissioned by and for L&Q Estates Ltd and DB symmetry Ltd. It arises from ongoing discussions between WWT and the developers via their agents CSA Ltd and EDP Ltd, who have identified WWT as a possible delivery agent of the woodland management plan. This plan sits at the forefront of an arrangement whereby WWT potentially could have the responsibility of longer term management and ownership of the woodland. **It should be noted and acknowledged that the basis of this management plan is constructed from previous survey documents and WMP's drafted and supplied by CSA Environmental and Environmental Dimension Partnership Ltd.**

The WMP relates to an area of woodland known as Cawston Spinney/Cawston Fox Covert; a Local Wildlife Site (LWS) and Ancient Semi-natural Woodland of County-level nature conservation value. The woodland is centred approximately at Ordnance Survey Grid Reference (OSGR) SP471726, immediately south west of Rugby (See Plan 9.1 Location and Compartment Plan).



The woodland resides within one of the strategic allocations of the Rugby Borough Council's Local Plan (Policy DS8: South West Rugby). This policy sets out that proposals must (amongst others), *“provide a Woodland Management Plan setting out how woodland within the boundaries of the allocation, in particular Cawston Spinney, will be protected from potential adverse impacts of new development, including details of a buffer in accordance with Natural England's standing advice on Ancient Woodland and veteran trees.”*

This is reaffirmed within Paragraph 4.58 of the Local Plan) which states: *“A Woodland Management Plan, details of which will also be included within the South West Masterplan SPD, will be required for the site. Relevant planning applications should use this management plan as a means of compliance with Policy DS8 and Policy NE1 regarding protection of ancient woodland and veteran trees.”*

If appropriate, the final version of the WMP could be appended to the South West Rugby Masterplan SPD.

### **Scope, Responsibilities and Timescales of the WMP**

Acknowledging that the purpose of this document is for planning purposes at this stage, the WMP is based upon the Forestry Commission Woodland Management Plan template<sup>1</sup>, to ensure that the proposals for the woodland are in accordance with the principles of the UK Forestry Standard where possible<sup>2</sup>.

This WMP will extend for 10 years. It will be subject to an appropriate regime of inspection, monitoring and review of all operations set out within this WMP at suitable intervals, including a formal review at the end of Year 5 in association with key stakeholders including Rugby Borough Council, Warwickshire County Council Ecology Team and local species interest groups.

The responsibility for delivering the WMP will be dependent upon the Developers gaining planning permission and delivering the development, and the woodland being transferred to the agreed new owner/manager who will implement the WMP. The WMP must be implemented as set out unless otherwise agreed in writing by the Local Planning Authority (Rugby Borough Council).

In the context of WWT delivering the WMP, this is subject to WWT Council approval and agreement in respect of the timing of the transfer of the woodland and the payment of contributions which would guarantee the appropriate and proportionate management to ensure the woodland is enhanced and maintained alongside the development proposal. The freehold of the site would also be transferred to WWT, who in effect would be responsible for delivering any associated planning conditions or obligations through any Section 106 agreement. Beyond the 10 years, WWT would then manage the site in the longer term sustainably in line with their charitable objectives for people and wildlife. WWT to reserve the right to modify the proposed approach (in agreement with planning authority and the developers), in light of any comments and suggestions received through the public consultation on the SPD.

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<sup>1</sup> <https://www.forestry.gov.uk/forestry/infd-9bmiwe>

<sup>2</sup> <https://www.forestry.gov.uk/ukfs>

## **Conclusion**

The WMP describes a scheme of woodland restoration, enhancement and subsequent management necessary to ensure that the woodland is safeguarded for future generations as a valued natural capital asset in the local community. This WMP is considered by WWT to be an appropriate and proportionate response to the request by the planning authority. Specifically, the WMP will ensure that the condition of the woodland is improved bringing a net gain in biodiversity, that the landscape and visual amenity framework in the locality is maintained, that environmental education opportunities and recreational opportunities are improved, and that human health and wellbeing from access to nature are improved. Those benefits would contribute towards public open space provision within the allocation, and the biodiversity offsetting requirements of the development.

## **Disclaimer**

Of note, the specific woodland management practices and principles, including the scale and extent within this WMP have been drawn up on the basis of need and knowledge. However, this plan will be subject to future consultation and consent by the Forestry Commission. The Forestry Commission have the ultimate responsibility to ensure the woodland management meets agreed woodland management principles and effectively safeguards the woodland resource. Therefore this plan is indicative and may be subject to change by the Forestry Commission or prior to submission to such authority.

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## SECTION 2: VISION AND OBJECTIVES

To develop your long term vision, you need to express as clearly as possible the overall direction of management for the woodland(s) and how you envisage it will be in the future. This covers the duration of the plan and beyond.

### 2.1 VISION

Describe your long term vision for the woodland(s). (*Suggest 300 words max*)

The Trusts core ethos is to protect wildlife and wild places whilst using this to educate, influence and inspire people about nature conservation. It should ensure the woodland is safeguarded, restored and managed in an appropriate manner which ensures it thrives in perpetuity, delivering multiple environmental services and societal benefits to the local community.

The overall vision for their woodland reserves is to develop vibrant woodlands, rich in wildlife, are well visited and sustainably managed. Although these sites are not managed for commercial purposes, over the long-term, operations should be managed economically but focusing on the Trusts wider objectives.

Cawston Spinney and Cawston Fox Covert will increase in structural diversity and maintain its composition, enhancing biodiversity value with notable species sustained. It will be managed for future generations as a prominent and attractive woodland feature within the local landscape and as a community resource. The woodland is to be made available as a local resource for informal low impact recreational and educational use and management is to recognise and reflect the woodland as a renewable natural resource.

To achieve the stated objectives, a programme of woodland management will be implemented in order to produce diversity in age classes and species. This strategy will improve the landscape value, reduce the risk of devastation from single catastrophic wind events or disease attack and provide continuity of woodland cover. The management operations will provide an opportunity to increase the proportion and diversity of native trees and shrubs, while providing more open spaces and edge habitat for the benefit of native ground flora, invertebrates and birds. Importantly, due to the developmental pressure around the woodland, this is essential to ensure the woodland is well buffered and resilient.

Carefully planned and installed infrastructure for management access and recreation will permit future management in a way that least impacts the woodland and allows it to retain an element of wildness through design.

## 2.2 MANAGEMENT OBJECTIVES

State the objectives of management demonstrating how sustainable forest management is to be achieved. Objectives are a set of specific, quantifiable statements that represent what needs to happen to achieve the long term vision

Reference No	Feature	Objective	Sub-Compartments
1.0	<b>Governance</b>	The WMP is overseen and delivered by a Delivery committee that ensures the long term management of the woodland for people and wildlife	N/A
2.0	<b>Public Engagement</b>	The public understands and values the multi-functional benefits of the woodland and the work of the WMP through regular engagement and positive opportunity	N/A
3.0	<b>Ecological Assets</b>	A full understanding of the existing value of ecological assets is known. Measures are undertaken to increase ecological value and awareness, particularly for roosting bats, breeding birds, woodland flowers, ponds and the LWS/ANSW designation	All
4.0	<b>Cultural Heritage Assets</b>	A full understanding of the existing value of heritage assets is known. Measures are undertaken to increase awareness of the cultural heritage associated with woodlands	All
5.0	<b>Landscape and Visual Amenity Assets</b>	Measures are undertaken to safeguard, enhance and promote awareness of the woodland's key contribution to the wider landscape fabric	All
6.0	<b>Arboricultural Assets</b>	Management promotes the safeguarding of existing and future veteran trees	All
7.0	<b>Woodland Management Access</b>	A fully functional network of management access infrastructure is present	All
8.0	<b>Aquatic habitats</b>	A fully functional network of drainage infrastructure is present, complemented by a pond complex of high ecological value	All
9.0	<b>Public Access</b>	A fully functional network of public access infrastructure is present	All
10.0	<b>Non-native Invasive Plants</b>	Species are absent or minimally present	All, esp. 1C-1F incl. and 2A, 2D and 2E
11.0	<b>Pests and Diseases</b>	Effects are minimised to acceptable levels	All
12.0	<b>Woodland Structure</b>	A diverse woodland structure (age and form) is present throughout	All
13.0	<b>Environmental Education and Human Wellbeing</b>	People spend time in the woodland and are involved in woodland activities and volunteering opportunities	N/A

## SECTION 3: PLAN REVIEW – ACHIEVEMENTS

Use this section to identify achievements made against previous plan objectives. This section should be completed at the 5 year review and could be informed through monitoring activities undertaken.

Objectives	Achievement

## SECTION 4: WOODLAND SURVEY

This section is about collecting information relating to your woodland and its location, including any statutory constraints i.e. designations.

### 4.1 DESCRIPTION

<b>Brief description of the woodland property:</b>
<p><b>Woodland Structure and Condition</b></p> <p>An overview of the woodland structure and tree form in Compartment 1 (Cawston Spinney) and Compartment 2 (Cawston Fox Covert) is provided in section 4.5.</p> <p>In summary, Compartment 1 is predominantly native broadleaved woodland with a relatively even age structure comprising mainly ash (30-80yrs), sycamore (30-70yrs) and hornbeam (50yrs) in the canopy, displaying various forms. There is no obvious evidence of formal woodland management. A notable over—mature (future veteran) hornbeam is present in the eastern section of Sub-compartment 1E. See Plan 9.2. Sub-compartment 1G contains over—mature (future veteran) 100-year-old sweet chestnut. There are a few hazel and hornbeam coppice stools in Sub-compartment 1B, 1C and 1D. A small sub-compartment (1A) contains mixed plantation woodland of mainly 40-year-old Douglas fir with good form/clear stems, although notable is the presence of 100-year-old yew.</p>

Compartment 2 is predominantly mixed broadleaved woodland with some coniferous species interspersed throughout. The main broadleaf species are ash, sycamore and English oak with significant localised populations of beech on better drained ground in the centre of the compartment. Trees throughout the wood date from the late C19 to early C20 with some slightly older oaks in the south-eastern tip around the pond complex (Sub-compartments I and J). Sub-compartment 2C comprises a significant stand of yew with a few interspersed broadleaved species.

The woodland understorey (shrub layer) of Compartment 1 is sparse and poorly developed. Box is locally dominant in the western compartments. An extensive area of rhododendron and snowberry is present in Sub-compartments 1C, 1D and 1E and there are localised pockets of these species within 2A, 2D and 2E (see plan 9.2 – Key features plan). Within Compartment 2, the understorey is dense in places (particularly Sub-compartments 2A and 2D which are dominated by clusters of holly and box) and there are scattered patches of tree regeneration (mostly sycamore). Due to the closely spaced upper canopy specimens there are few replacement trees in the mid-storey meaning that Fox Covert lacks some structural and age diversity. The ground layer of Compartment 2 contains a good population of bluebell in the northern half on the lighter soils, interspersed with bramble and nettle which tend to have dominated ground under open canopy, for example where over-storey trees have fallen over.

The site has a reasonable network of informal paths and a right of way that dissects the woodlands. There is no wider access to Cawston Spinney as this is a wet and undulating compartment of the site. The main reason people visit is to walk dogs and there is some indicative signs of informal play and den building. Bikes have been evidenced using the site also.

Of note, there is a private residence that sits at the heart of the woodland between the two main compartments which is serviced by a surfaced track that runs north east to Cawston Lane. Access for management is currently limited and to maximise the opportunity to enhance the woodland and improve visitor access, this would require the installation of rides and tracks plus some boardwalks on wetter areas.

## 4.2 ADDITIONAL SITE INFORMATION

### Other Environmental Conditions

**Soils and Geology:** The woodland is situated in an area containing Soilscape 22 'loamy soils with naturally high groundwater', these Soilscares generally describe the immediate 30cm below the natural ground surface<sup>3</sup>. Below this, lies a superficial ('drift') formation of alluvium (compressible silty clay, but can contain layers of sand, peat and basal gravel) and Dunsmore gravel (clay-rich flinty gravel with lenses of coarse sand). The Dunsmore gravel drift is thought to be generally 1–3m deep. The underlying bedrock formation is Charmouth Mudstone (laminated shales, and mudstones; locally occurring limestone beds/ironstone or organic-rich paper shales at some levels or finely sandy beds); thought to be present to a depth >300m<sup>4</sup>.

**Elevation, Topography and Drainage:** Compartment 1 occupies an elevation of approximately 115m AoD at the eastern boundary and 105m AoD at the western boundary, such that there is gentle slope across the Compartment from east to west. In addition, there is a steep north-south slope in Sub-compartment 1G from the higher ground at the agricultural field boundary down to the drainage channel. Compartment 2 has a more gentle topography and largely occupies an elevation of 115m AoD.

<sup>3</sup> <http://www.landis.org.uk/soilscares/>

<sup>4</sup> <http://mapapps.bgs.ac.uk/geologyofbritain/home.html>

In general terms, Compartment 1 becomes wetter underfoot from east to west which is consistent with the fall in elevation. There is a drainage network throughout the Compartment, flowing in a generally east west direction towards the reservoir. The main east-west arterial drain occupies the low point of the Compartment and was flowing but shallow (a few centimetres) at the time of the EDP woodland survey. Smaller drains (in Sub-compartments 1E and 1F) were dry at the time of the survey, whilst small drains in Sub-compartment 1D were flowing out northwards but shallow.

Despite unseasonably dry and hot conditions with little to no rainfall throughout June and July (2018), it was noticeable during the woodland survey that ground conditions were remarkably wet underfoot in Sub-compartment 1F, where a small seepage area was present, and along the southern boundary of Sub-compartment 1G near the reservoir at the bottom of the slope. A small pool was also present below a windblown tree root-plate near the main arterial drain in Sub-compartment 1E indicating groundwater still close to (just below) the ground surface. See Plan 9.2. The drain between Sub-compartments 1B and 1G is particularly steep, deep and incised and was dry at the time of survey.

Compartment 2 is also influenced by aquatic habitats. There is a wide boggy strip of surface water in the north corner of the Wood (Cpt 2A) running south-west along the northern edge, making this a localised patch of wet woodland. Another ditch runs along the south-western boundary into the south-eastern corner. Several ponds have been formed in this area, seemingly a mix of natural and man-made formation, which are fed by the ditch. Most are fairly stagnant with large amounts of silt and organic matter from the overhanging trees. The pond complex in 2J is heavily over-shaded by encroaching willow trees and scrub but has good potential for enhancement and was used by multiple pairs of nesting mallard.

Cultural Heritage and Archaeology: There are no statutory heritage assets at or within c.1km of the woodland. Clearly, being ASNW, most of the woodland has been present since the 1600s, and invariably will have been worked since at least 1600, predominantly for wood fuel as with most deciduous woodland of this age in Britain. Historic maps from the period 1887 – 1889 indicate the extent of the woodland is very similar, with the exception of woodland in Sub-compartment 1b being absent as well as the reservoir<sup>5</sup>. No immediately obvious historic physical features were identified (such as charcoal platforms) but a systematic survey for such features was not undertaken. Sub-surface archaeological remains (non-statutory heritage assets) may be present.

Landscape and Visual Amenity: At a local level, the 'Landscape Assessment of the Borough of Rugby Sensitivity and Condition Study' (the 'LCA') published in 2006 remains the definitive landscape character assessment for the Borough of Rugby. Cawston Spinney is located almost entirely within the landscape character types (LCT) 'Dunsmore Plateau Fringe' whilst Cawston Fox Covert is located almost entirely within the LCT 'Dunsmore Plateau Farmlands'. One of the 'Key Characteristics' of the Dunsmore Plateau Farmlands LCT (Cawston Fox Covert), includes "*Large blocks of ancient woodland*", but also includes some urbanising features within the local context, including major road corridors, industrial and large-scale agricultural land use and a number of man-made features being visible.

The 'condition map' in the LCA shows that Cawston Spinney and Cawston Fox Covert occur in a broader landscape that is 'declining' overall, and far removed from its optimal state, which is supported by observations in the field. However, Cawston Spinney and Cawston Fox Covert are robust landscape features which contribute a quantum of clear value to the local landscape.

<sup>5</sup> <https://www.old-maps.co.uk/#/Map/447500/273500/12/100354>

The woodland does not occupy a strongly elevated nor strongly recessed position in the landscape, and the woodland is a robust feature in the predominantly agricultural/urban fringe landscape. Unsurprisingly, intervisibility between it and surrounding land does occur from most areas within 1km, particularly across the currently open views from the south and southwest. Views do become more glimpsed and filtered by hedgerows, isolated trees and isolated buildings with increasing distance, particularly beyond c.1km, for example from the Public Right of Way to the north.

**Public Rights of Way, Recreational Usage and Fencing:** A Public Right of Way (PRoW) along a vehicular access track is situated adjacent to the eastern boundary of Compartment 1 (Cawston Spinney) and divides it from Compartment 2 (Cawston Fox Covert). See Plan 2. No visitor number surveys have been undertaken but it was noted that at least 6 walkers/dog-walkers passed along the PRoW during the EDP woodland survey. Compartment 2 has a network of permissive paths throughout with wider footpath links at the southern end. It is also connected to a small 'pull-in' car park along Cawston Lane and regular recreational use was observed by CSA in Compartment 2, primarily by dog walkers.

During EDP's woodland surveys, various informal recreational usages were recorded across most of the eastern sub-compartments, where the ground is drier than the west of the Compartment. These activities include evidence of air rifle shooting, barbecues, camping and fly tipping but was most pronounced in Sub-compartment 1C, where the ground is compacted and devoid of vegetation. Though no fire damage was seen, it is possible in the future. There is no boundary fencing around any of Compartment 1, so access from the PRoW is straightforward. Within Compartment 2 there was minor evidence of camping or rough-sleeping within Sub-compartment 2E.

**Access for Woodland Management and Fencing:** There are no formal vehicular access tracks into Compartment 1 (Cawston Spinney) which otherwise would be utilised for woodland management activities. It was not possible to confirm the condition of drainage channel crossings for vehicular access, but at least one small crossing is present where the boundaries of Sub-compartment 1C, 1E and 1G converge.

There are various pedestrian access points into Compartment 2 but vehicular access would be difficult using the current network of paths. There is no fencing within the woodland interior, though fencing and hedgerows are used to mark the boundaries with adjacent arable land, some of which is used for livestock grazing.

### 4.3 INFORMATION

Use this section to identify features that are both present in your woodland(s) and where required, on land adjacent to your woodland. It may be useful to identify known features on an accompanying map.

Woodland information for your property can be found on the [Magic](#) website or the Forestry Commission [Land Information Search](#).

Feature	Within Woodland(s)		Cpts	Adjacent to Woodland(s)		Map No
<b>Biodiversity - <a href="#">Designations</a></b>						
SSSI	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Special Area of Conservation	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Tree Preservation Order	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	All	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Key Features Plan
Conservation Area	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Special Protection Area	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Ramsar Site	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
National Nature Reserve	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Local Nature Reserve	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Other (please Specify):	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		Yes <input type="checkbox"/>	No <input type="checkbox"/>	LWS
Notes	Both woodlands (compartments 1 and 2) are designated Local Wildlife Sites					

Feature	Within Woodland(s)		Cpts	Map No	Notes		
<b>Biodiversity - <a href="#">European Protected Species</a></b>							
Bat	Species (if known)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	All	TBC	6 sp. in Cpt 1 8 sp. in Cpt. 2
Dormouse	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
Great Crested Newt	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
Otter	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	All	TBC	Recorded on the reservoir adjacent to Cpt 1 and in the brook to the north of Cpt 2		
Sand Lizard	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
Smooth Snake	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
Natterjack Toad	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
<b>Biodiversity - <a href="#">Priority Species</a></b>							

<a href="#">Schedule 1 Birds</a>	Species	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	All		16 schedule 1 and conservation notable species in and around Cpt. 1 plus 5 in Cpt. 2
Mammals (Red Squirrel, Water Vole, Pine Marten etc)		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			No records
Reptiles (grass snake, adder, common lizard etc)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	All		Utilising ditch network and waterbodies.
Plants		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>			TBC
Fungi/Lichens		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
Invertebrates (butterflies, moths, beetles etc)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>			Unknown
Amphibians (pool frog, common toad)		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			Unknown
Other (please Specify):		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	2		TBC
<b>Historic Environment</b>						
Scheduled Monuments		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
Unscheduled Monuments		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
Registered Parks and Gardens		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
Boundaries and Veteran Trees		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	All	TBC	Hedgerows and number of notable and important trees.
Listed Buildings		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
Other (please Specify):		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
<b>Landscape</b>						
<a href="#">National Character Area</a> (please Specify):						
National Park		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
Area of Outstanding Natural Beauty		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
Other (please Specify):		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
<b>People</b>						
CROW Access		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
Public Rights of Way (any)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	All	Access Plan	RoW through and around site.
Other Access Provision		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	All	Access Plan	Informal network of paths.
Public Involvement		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>			
Visitor Information		Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>			
Public Recreation Facilities		Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>			
Provision of Learning Opportunities		Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>			



<b>Anti-social Behaviour</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	All		Evidence of fire lighting and encampments plus litter and firearm use.
<b>Other (please Specify):</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
<b>Water</b>					
<b>Watercourses</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	All	TBC	Extensive network of ditches and brooks.
<b>Lakes</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
<b>Ponds</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	All	TBC	An extensive series of derelict ponds and waterbodies throughout the woods.
<b>Other (please Specify):</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			

### Additional Ecological Conditions

The woodland is not covered by any statutory designation, and there are no international designations within 10km. Draycote Meadows Site of Special Scientific Interest (SSSI), designated for grassland and butterflies, is situated 1.2km to the south-west. Both Compartments are entirely coincident with the Cawston Spinney LWS, a non-statutory designation of County-level value, and large parts of the Compartment are Ancient & Semi-natural Woodland (ASNW) (See Plan 9.2). However, as described above, the woodland condition is suffering from lack of management, invasive plant species, ash dieback, deer grazing and grey squirrel damage. It is likely that the parts of Compartment 2 not covered by ASNW designation (i.e. sub-compartment 2B, C, E and G) would classify as Plantations on Ancient Woodland Sites (PAWS).

#### 4.4 HABITAT TYPES

This section is to consider the habitat types within your woodland(s) that might impact/inform your management decisions. Larger non-wooded areas within your woodland should be classified according to broad habitat type where relevant this information should also help inform your management decisions. Woodlands should be designed to achieve a diverse structure of habitat, species and ages of trees, appropriate to the scale and context of the woodland.

Feature	Within Woodland(s)	Cpts	Map No	Notes
<b>Woodland Habitat Types</b>				
<b>Ancient Semi-Natural Woodland</b>	Yes	1a/1c/1d/ 1e/1f/1g/ 2a/2h	9.2 Key Features Plan	
<b>Planted Ancient Woodland Site (PAWS)</b>	No			Cpt 2b/2c/2e/2g may classify as PAWS
<b>Semi-natural features in PAWS</b>	No			
<b>Lowland Beech and Yew Woodland</b>	No			
<b>Lowland mixed deciduous woodland</b>	No			
<b>Upland mixed oak woodland</b>	No			
<b>Upland Oakwood</b>	No			
<b>Wet woodland</b>	No			
<b>Wood-pasture and parkland</b>	No			
<b>Other (please specify):</b>	No			
<b>Non Woodland Habitat Types</b>				
<b>Blanket bog</b>	No			
<b>Fenland</b>	No			
<b>Lowland calcareous grassland</b>	No			
<b>Lowland dry acid grassland</b>	No			
<b>Lowland heath land</b>	No			
<b>Lowland meadows</b>	No			
<b>Lowland raised bog</b>	No			
<b>Rush pasture</b>	No			
<b>Reed bed</b>	No			
<b>Wood pasture</b>	No			
<b>Upland hay meadow</b>	No			
<b>Upland heath land</b>	No			
<b>Unimproved grassland</b>	No			
<b>Peat lands</b>	No			
<b>Wetland habitats</b>	No			
<b>Other (please specify):</b>	No			

There are six vegetation types recorded within the woodland, categorised to four different NVC categories, as follows (taken from the NVC survey report). The yew component of 2C was excluded as it is extremely species-poor, of artificial origin and corresponds poorly to the yew woodland (W13) of NVC.

- W8e (type 1; Sub-compartment 1F, 2A). *“...clearly of secondary origin... The field layer is characterised by rank growth of stinging nettle, cleavers, rough-stalked meadow-grass and ivy, with cow parsley being conspicuous in areas where the canopy is more open. Woody species are broadly the same as occurring elsewhere within the wood but tend to include greater cover and frequency of wych elm and elder than in other parts of the wood.”*
- W8a (type 2; the majority of Compartment 1, small pockets within 2A, 2B, 2H, 2I, 2J). *“This vegetation type is characterised by the clear dominance of ash in the canopy with reduced amounts of sycamore and wych elm compared with vegetation type 1. There is plentiful elder (although at reduced cover compared with vegetation type 1) and box in the shrub layer and abundant and constant dog’s mercury and rough-stalked meadow-grass in the field layer.”*
- W10 (type 3; peripheral areas of Compartment 1, the majority of Compartment 2). *“This is characterised by the constancy of ash and sycamore in the canopy, sycamore regeneration and holly Ilex aquifolium in the shrub layer and bramble, bluebell and sycamore seedlings in the field layer. Pedunculate oak and beech are also frequent in the canopy, with box, elder, hazel, common hawthorn and sometimes rhododendron in the shrub layer.”* However, it is notable that beech and oak are absent or minimally present in the canopy in W10 in Compartment 1, compared to Compartment 2.
  - (type 3a, Sub-compartment 2B). *“This vegetation type is similar to type 3 and grades into it. The field layer is similar to that of vegetation type 5, but the present community lacks the overwhelming dominance of beech that is characteristic of the latter.”*
  - (type 4, Sub-compartment 2H). *“This occurs in a small part of the eastern arm of the wood where bracken and bramble dominate the field layer, the shrub layer is virtually non-existent and the canopy includes substantial cover resulting from past conifer planting which is now mature.”*
- W14 (type 5, Sub-compartments 2F and 2G). *“This vegetation type is characterised by the clear dominance of beech, either as the sole canopy-forming tree or with lesser amounts of other trees including pedunculate oak. Bluebell is the clear field layer dominant and the shrub layer is poorly-developed although holly is present in places. Elder only occurs in locations around the periphery, especially where light levels are greater.”*

## Arboricultural Conditions (Peripheral Trees)

Around the periphery of Compartment 1, the EDP arboricultural survey has identified 146 individual trees and 18 groups of trees, totalling 164 items. Of these 164 items, 2 have been categorised as A, of high quality and value; 87 have been categorised as B, of moderate quality; and 61 have been categorised as C, of low quality. In addition, 14 items have been categorised as U and due to their impaired condition are considered unsuitable for retention.

Around the periphery of Compartment 2, the CSA Environmental arboricultural appraisal covered 27 trees and 15 tree groups. Almost all woodland edge groups were assessed to be of Category A value, due to their collective landscape benefits and the fact that they have a life expectancy of at least 40 years. The groups have a regular distribution of A category trees, albeit interspersed with some lower quality B and C category trees; they are therefore still allocated A category overall, as the highest quality trees define the value of the whole group. One tree group (sub-compartment 2K) and two trees (both in 2A) were categorised as B.

## 4.5 STRUCTURE

This section should provide a snapshot of the current structure of your woodland as a whole. A full inventory for your woodland(s) can be included in the separate Plan of Operations spreadsheet. Ensuring woodland has a varied structure in terms of age, species, origin and open space will provide a range of benefits for the biodiversity of the woodland and its resilience. The diagrams below show an example of both uneven and even aged woodland.

Woodland Type (Broadleaf, Conifer, Coppice, Intimate Mix)	% of Mgt Plan Area	Age Structure (even/ uneven)	Sub-comp.	Notes (i.e. understorey or natural regeneration present)
<b>Compartment 1 (Cawston Spinney)</b>				
Mixed Plantation	7%/0.6ha	Even	1A	Mainly c.40-year-old Douglas Fir with good form and clear stems
Native Broadleaved	93%/7.4ha	Even	1B to 1G incl.	Part ASNW
<b>Totals</b>	<b>100%/8.0ha</b>			
<b>Compartment 2 (Cawston Fox Covert)</b>				
Coniferous	6%/0.9ha	Even	2C	Stand of yew with interspersed broadleaves
Mixed Broadleaved	94%/13.3ha	Even	2A, 2B, 2D to 2K incl.	Mainly ash, sycamore and oak with localised beech. Scattered clusters of conifers. Part ASNW
<b>Totals</b>	<b>100%/14.2ha</b>	-	-	-

In the absence of mensuration data and timber volumes – there is no current accompanying Plan of Operations spreadsheet. However, if the WMP was to form part of a formal arrangement with WWT delivering the management plan, this would be completed and submitted as part of the WMP felling licence application.

## SECTION 5: WOODLAND PROTECTION

Woodlands in England face a range of threats; this section allows you to consider the potential threats that could be facing your woodland(s). Use the simple Risk Assessment process below to consider any potential threats to their woodland(s) and whether there is a need to take action to protect their woodlands.

### 5.1 RISK MATRIX

This Section describes the risks to the restoration and management of the woodland and the measures necessary to avoid/minimise the risk, thereby safeguarding the woodland, and the WMP vision. The LWS and ASNW status and condition of Compartments 1 and 2, are currently comprised of a number of factors, as described below.

#### Risk Matrix Summary

<b>Impact</b>	High	Plan for Action	Action	Action
	Medium	Monitor	Plan for Action	Action
	Low	Monitor	Monitor	Plan for Action
		Low	Medium	High
<b>Likelihood of Presence</b>				

## 5.2 PLANT HEALTH

<b>Non-native species including rhododendron and snow berry</b>	Impact: <b>High</b>	Likelihood of presence: <b>High</b>
<p>In the absence of appropriate woodland management, the extensive areas of rhododendron and snowberry already present within parts of Compartment 1 and 2 will likely spread (See Plan 3). Both species are non-native and undesirable and are physically out-competing native ground flora and natural tree regeneration for light and space. In the case of rhododendron, it is particularly vigorous, casting dense shade, produces dense leaf litter which is thought to be toxic to mammals, and is a prolific seed producer so spreads easily. Rhododendron itself is also a carrier for <i>Phytophthora</i> tree funguses that infect and kill trees. Wherever it persists, studies have shown it reduces biodiversity.</p>		
Response (inc protection measures): <b>Action</b>	<p>Start programme of removal and control of rhododendron and snowberry in year 2. By year 5 seek to have eradicated or to have achieved minimal presence.</p>	

<b>Chalara Fraxinea (Ash dieback)</b>	Impact: <b>High</b>	Likelihood of presence: <b>High</b>
<p>In the absence of appropriate woodland management, the ash dieback fungus in the canopy of young ash trees will spread. Ash is the co-dominant species in the canopy and therefore the tree stock is particularly at risk over the next few years as the disease spreads rapidly.</p>		
Response (inc protection measures): <b>Monitor</b>	<p>Monitor for ash dieback spread and consider remedial works for safety. Favour removal of Ash in mixed stands where alternative tree species are appropriate. Exclude Ash from planting mixtures but allow for natural regeneration in case of tolerance. Be aware of research into resistant strains and opportunities for treatment of existing stands.</p>	

## 5.3 DEER

<b>Deer browsing</b>	Impact: <b>High</b>	Likelihood of presence: <b>High</b>
<p>In the absence of appropriate control measures, deer grazing of natural tree regeneration and grey squirrel damage of young/maturing trees threatens the recruitment of new tree stock to the middle and upper age tiers of the canopy. In the short term, age diversity and structure becomes less diverse as mature and over-mature specimens dominate. In the longer term, as those existing over-mature specimens are lost, there will be no replacement of the canopy.</p>		
Response (inc protection measures): <b>Action</b>	<p>Monitor and manage the deer population as appropriate through Deer Impact Assessments. It will be important to watch out for an influx of deer due to pressure of development on the surrounding area and control as necessary. New planting will require protection with tubes or fencing. Trialling of exclusion plots or brashing of stools may be more appropriate if impact is deemed high.</p>	

## 5.4 GREY SQUIRRELS

Grey Squirrels	Impact: <b>Medium</b>	Likelihood of presence: <b>High</b>
<p>Grey squirrel are present on site but current impact is limited. As management progresses the damage to young/maturing trees threatens the recruitment of new tree stock to the middle and upper age tiers of the canopy. In the short term, age diversity and structure becomes less diverse as mature and over-mature specimens dominate. In the longer term, as those existing over-mature specimens are lost, there will be no replacement of the canopy.</p>		
<p>Response (inc protection measures): <b>Monitor</b></p>	<p>Monitor impact of squirrels and if necessary implement squirrel control with use of humane kill trap in line with the Wildlife Trust's position on control of wild animals, and in line with an appropriate explanatory public engagement.</p>	

## 5.5 LIVESTOCK AND OTHER MAMMALS

Other Mammals	Impact: <b>High</b>	Likelihood of presence: <b>High</b>
<p>Hares, Rabbits and other small mammals are present in the wood and will have a potential impact on natural regeneration and planting.</p>		
<p>Response (inc protection measures): <b>Action</b></p>	<p>Protect planted trees as appropriate for species (minimum of spiral guards).</p>	

## 5.6 WATER & SOIL

Soils	Impact: <b>High</b>	Likelihood of presence: <b>Medium</b>
<p>Soil compaction has already occurred in the east of Compartment 1 (Cawston Spinney) due to recreational usage and this will continue in the absence of an appropriate strategy. With climate change predictions for more intense precipitation events, there is increased risk of soil erosion in the immediate and longer term, in the absence of an appropriate strategy.</p> <p>Soil erosion is not a significant issue on site but compaction during harvesting operations and subsequent waterlogging or run-off is a risk particularly in proximity to watercourses.</p>		
<p>Response (inc protection measures): <b>Action</b></p>	<p>Ensure harvesting operations only take place during appropriate weather / site conditions and plan extraction routes to avoid soft ground and crossing watercourses at appropriate points. Ensure that recreational access routes limit the wider impact of recreation on soils by installing appropriate paths and infrastructure to contend this.</p>	

Water	Impact: <b>High</b>	Likelihood of presence: <b>Medium</b>
<p>Within Compartment 2 soil erosion is exacerbated by recreational use of paths and dog access to open water, which will need to be controlled and managed as further residential development comes forward.</p>		

The aquatic habitats on-site are heavily shaded and enriched by leaf-litter. With continued lack of management it is likely that the biodiversity of the ponds and ditches will decline further.	
Response (inc protection measures): <b>Action</b>	Through management deter erosion where possible adjacent to water courses through using dead hedges and carefully designed access routes.

<b>Water Pollution</b>	Impact: <b>High</b>	Likelihood of presence: <b>Low</b>
Water pollution from Pesticide application or fuel / oil spillage is a potential risk in close proximity to water courses and the river. The envelopment of the woodland by development could make it vulnerable to pollution incidents also from residential and commercial incidents.		
Response (inc protection measures): <b>Plan for Action</b>	Follow best practice guidance as per the UK Forest standard including minimising use of pesticide and incorporate buffer zones by water features. All contractors to carry and maintain appropriate spill kits and make use of biodegradable lubricants where possible. Consider risk areas during development and appropriate controls for pollution incidents i.e. determine any ingress points and suds and ensure protected.	

## 5.7 ENVIRONMENTAL

<b>Biodiversity</b>	Impact: <b>High</b>	Likelihood of presence: <b>Low</b>
An in-combination effect of the aforementioned factors, and factors mentioned below, is the potential for a reduction in biodiversity which in turn threatens the status and quality of the woodland as an LWS and ASNW.		
Response (inc protection measures): <b>Plan for Action</b>	Implement the WMP that will enhance and maintain important wildlife features of the woodland. Ensure regular monitoring of key species groups occurs and woodland condition monitoring occurs to demonstrate change and thus any need for adjustment in management in future years.	

<b>Windblow</b>	Impact: <b>Low</b>	Likelihood of presence: <b>Low</b>
There are some sporadic individual fallen trees in a number of areas but no areas of extensive windblow. Generally, the site is not exposed and would be considered low risk.		
Response (inc protection measures): <b>Monitor</b>	Thinning selection should aim to remove less wind-stable stems to help reduce sporadic wind blow. Felling areas should be designed to retain a wind stable edge (usually along existing compartment boundaries).	



## 5.8 SOCIAL

<b>Visitor Impact and Antisocial Behaviour</b>	Impact: <b>High</b>	Likelihood of presence: <b>Medium</b>
<p>In the absence of an appropriate engagement strategy and managed access, the proposed development around the woodland increases the risk of anti-social and informal recreational usage of the woodland, causing damage to soils and vegetation, vandalism to trees, disturbance to wildlife (e.g. badgers), and reducing the appeal and aesthetic value of the woodland due to presence of rubbish/fly tipping and anti-social behaviour. Though no fire damage was evident, it may occur in the future.</p> <p>Access to Compartment 1 (Cawston Spinney) is obtained from the PRoW as there is no boundary fencing around Compartment 1. Access to Compartment 2 is already well-defined. A significant issue with littering, dog fouling or vandalism has not been noted at present although there are small amounts of littering. There is a risk of accidental or deliberate introduction of non-native species to the woodland from increased visitor use and from gardens associated with the proposed housing around the woodland.</p> <p>Compartment 2 contains large areas of bluebells which are of high ecological and amenity value. Many of the notable woodland flora within the woodland are intolerant of trampling and there is a risk that, in the absence of a suitable strategy, continued erosion and migration of footpaths, or other types of recreation, could damage this resource.</p> <p>With increased public recreation, there is increased potential for conflict with hazardous trees, particularly along footpaths and access points.</p>		
Response (inc protection measures): <b>Action</b>	<p>Monitor for anti-social behaviour and increase security as necessary. Report all incidence of fly-tipping to the local council.</p> <p>The use of signage and interpretation would be useful to outline the importance of the wood, the management employed and permitted routes/areas. It is useful to display contact numbers and information that visitors can refer to if they witness anti-social behaviour.</p>	
<b>Fire</b>	Impact: <b>High</b>	Likelihood of presence: <b>Low</b>
<p>The principal fire risk in the woodland is fire starting by people, either intentionally to burn the woodland or as an unintended consequence of other unlawful activity e.g. burning of stolen cars, lighting bonfires. The susceptibility of the vegetation to burn i.e. the fire hazard will generally be low as the lack of grassland vegetation means that there is generally little suitable material for sustaining a ground fire.</p> <p>The susceptibility of trees to crown fires will be very low in all but the most extreme drought conditions. However, fire hazard will increase with the proportion of trees in establishment phase during the plan period.</p> <p>A plan for the prevention and management of fires in the woodland will be prepared. Measures to prevent fires will include management of the amount of flammable dead wood material left on site following felling operations.</p>		
Response (inc protection measures): <b>Plan for Action</b>	<p>Implement a site risk assessment which will identify significant hazards and physical areas where fires are likely to cause most harm, allowing managers to avoid these areas for risk based activity i.e. stacking brash and retaining deadwood. Signage on site will identify what to do in the event of a fire being discovered.</p>	

## 5.10 CLIMATE CHANGE RESILIENCE

Change/Unpredictable Climate	Impact: <b>Medium</b>	Likelihood of presence: <b>Medium</b>
<p>With climate change predictions for more intense storm events, there is increased risk of wind blow damage in the immediate and longer term, in the absence of an appropriate strategy. Lack of resilience, Ongoing climate change (warmer and wetter conditions) is likely to favour the emergence of other tree pathogens, though at present it is difficult to predict the effect.</p>		
<p>Response (inc protection measures): <b>Plan for Action</b></p>	<p>Where possible maintain the species mixture of existing stands to encourage greater resilience. During restock and any new planting aim to broaden the existing species range and create simple mixtures.</p>	

## SECTION 6: MANAGEMENT STRATEGY

This section requires a statement of intent, setting out how you intend to achieve your management objectives and manage important features identified within the previous sections of the plan. A detailed work programme by sub-compartment can be added to the Plan of Operations.

To meet the WMP vision, management objectives, and avoid/reduce effects of identified threats, a detailed range of management strategies (prescriptions) are required. These are contained within a detailed Plan of Operations (Works Programmes) in the Appendices (To be added). A summary is provided below.

### 6.1 MANAGEMENT STRATEGY PRESCRIPTION TABLE

The specific management prescriptions to achieve the objectives and in turn contribute to the vision for the LWS, are detailed in the table below. The detailed prescriptions and compartment elements are in the appendices.

Ref. No	Feature	Management Intention (Prescription), Timings and Frequency	Sub-Compartments
1.0	<b>Governance</b>	In Year 1, form a Delivery committee which will oversee finalisation of the WMP in Year 1 and then oversee its subsequent delivery to Year 10. Meet quarterly during Year 1 with subsequent meetings to be agreed at an appropriate frequency, as required.	N/A
2.0	<b>Public Engagement</b>	In Year 1, commence and continue a program of public engagement to communicate the work of the WMP and the woodland's value to the community to Year 10. At least two events in Year 1, followed by annual events Years 2 to 10.	N/A
3.0	<b>Ecological Assets</b>	In Year 1, undertake further targeted ecological surveys for protected/Priority Species (principally roosting bats and invertebrates; May-Aug inclusive) to inform the delivery of the WMP. Then from Year 2 implement measures through the WMP to increase value of and understanding/interpretation of all ecological assets to Year 10. Implement minimum of 15m buffer from the woodland edge within which new habitats are created.	All
4.0	<b>Cultural Heritage Assets</b>	In Year 1, undertake further heritage investigations to inform the delivery of the WMP including site walkover survey, desk-based assessment, and if required, geophysical survey. Then from Year 2 implement measures through the WMP to secure and increase the understanding/ interpretation of the cultural heritage and archaeology assets to Year 10.	All

Ref. No	Feature	Management Intention (Prescription), Timings and Frequency	Sub-Compartments
5.0	Landscape and Visual Amenity Assets	From Year 2, implement measures through the WMP to increase understanding/ interpretation of the value of the woodland as a key component in the wider landscape fabric to Year 10.	All
6.0	Arboricultural Assets	From Year 2, implement measures through the WMP to secure and increase veteran tree stock and increase understanding/ interpretation of the value of the tree stock to Year 10. Implement minimum of 15m buffer from the woodland edge within which no development occurs.	All
7.0	Woodland Management Access	In Year 2, create and then maintain formal woodland management access tracks and bridges to Year 10. Existing PRoW may be subject to future diversions, as agreed, to manage movement and access. Maintenance inspections of access tracks twice a year as a minimum and following storm events (severe amber or red weather warnings for wind/rain/snow); remediation of faults as necessary.	All
8.0	Aquatic habitats	In Year 2, restore and then maintain a fully functioning drainage network to ensure that a variety of wet and dry woodland habitats persist to Year 10. Maintenance inspections of channels twice a year as a minimum and following storm events (severe amber or red weather warnings for wind/rain/snow); remediation of faults as necessary. Selective removal of detrimental trees/shrubs around ponds to improve light levels. Consider dredging. Maintain Sub-compartment 2J as a wildlife area by retaining boundary screening vegetation.	All
9.0	Public Access	In Year 2, create and maintain a formal network of public paths and strategic planting within the Cawston Spinney to appropriately manage public access to Year 10. Existing PRoW may be subject to future diversions, as agreed, to manage movement and access. Undertake path improvements within Cawston Fox Covert. Maintenance inspections once a year as a minimum and following storm events (severe amber or red weather warnings for wind/rain/snow); remediation of faults as necessary. Undertake tree risk surveys annually and after severe weather; remediation as appropriate.	All
10.0	Non-native Invasive Plants	In Year 2, commence and continue control of invasive plants (including rhododendron and snowberry) to an acceptable level of minimal presence or absence by Year 5 and beyond. Monitor presence of other invasive species alongside normal management works and implement management programme as appropriate.	All

Ref. No	Feature	Management Intention (Prescription), Timings and Frequency	Sub-Compartment
11.0	<b>Pests and Diseases</b>	From Year 2, commence and continue to monitor presence of pests and diseases (including ash dieback, deer and grey squirrel) quarterly. Control/take remedial action to reduce effects by Year 5 and beyond; control intensity may reduce if success is achieved in first few years. Control for ash dieback may include pre-emptive felling and re-stocking with native broadleaves (by planting /propagation of and/or/selective thinning in favour of). Control for deer to include temporary fencing/tree guards of areas of restocking.	All
12.0	<b>Woodland Structure</b>	From Year 2, commence and continue thinning and re-stocking with native broadleaves (by planting/propagation of and/or/selective thinning in favour of – if not successful natural regeneration is achieved by year 3 after felling) to create a diverse age structure in the canopy and understorey layer by Year 10. Improve boundary hedgerows.	All
13.0	<b>Environmental Education and Human Wellbeing</b>	From Year 2, commence and continue a specific program of woodland activities and volunteering opportunities targeted at community groups to promote education and wellbeing. Frequency dictated by level of interest.	N/A

## 6.2 PRINCIPLES FOR WOODLAND MANAGEMENT, ASSOCIATED ASSETS AND FEATURES

### Coppice

To increase structural diversity, some small areas will be cut and allowed to re-grow from the base (coppiced). This will be carried out on rotations of between 5 and 35 years depending on objectives.

On ride-sides, coppice will be cut on relatively short rotations in order to keep rides open and provide diversity, while in other areas the cycle may be as long as 25-35 years. Coupes will be less than 0.5ha in size and will be of elongated shape where possible to increase the valuable edge habitat.

### Thinning

A programme of frequent, light selective thinning will be implemented across the woodland in order to promote the development of specimen trees, while minimising the risk of windthrow from opening up the canopy suddenly. Thinning will be undertaken on a regular cycle and will be used as an opportunity to

remove non-native trees in favour of indigenous species and for improving the development of retained trees. Thinning will concentrate on the removal of suppressed or deteriorating trees (of low wildlife value) and will favour the retention of well-rooted, dominant trees with deep crowns and tapered stems. Haloing these trees will promote better growth and development of ground flora. Trees identified for veteranisation or of high wildlife value i.e. dead or dying, will be left (where safe to do so) as a priority for wildlife benefit.

### **Trees of Notable Importance**

In section 4.3 it identifies 164 trees that have been surveyed and categorised accordingly. These will be managed as detailed to ensure the landscape character is maintained and will be factored in through any felling or thinning operation.

### **Deadwood**

Deadwood, both standing and falling, is of enormous conservation benefit for many species including fungi and invertebrates. Management will allow for the retention of deadwood where it does not pose a hazard for public safety of personnel working in the woodlands. As a consequence, deadwood standing, fallen and or on live trees will be retained wherever possible and brash will generally be left on site to breakdown.

Through management operations the processing of brash created will be utilised on site for habitat stacks and dead hedges – the latter often a useful tool to limit access to coppiced woodland compartments to people, dogs and wildlife. They also are a natural functional way to deter disturbance to water courses and ponds. In thinning operations on a larger scale, deadwood will be retained and used as brash mats for extraction operations but also stacked appropriately not to inhibit future management and smother ground flora.

### **Ride Management**

The created ride network will be managed to maintain an open space network for management and recreational access. Where appropriate, wider, grassy rides as they develop will be managed on a two or three zone system.

Where appropriate, rides will be widened by selective felling and coppicing of trees on their edge. The felling will aim to create irregular, scalloped edges to increase edge length and avoid cold corridors that promote wind funnelling.

Rides where a three zone system is considered inappropriate, either due to the narrowness of adjacent stands of trees, the ride orientation, the lack of ride vegetation or the instability of the adjacent trees, will be managed on a two zone system.

## **Boundary management**

Boundary trees pose no threat to neighbouring infrastructure and therefore will be retained and only managed as when required in line with health and safety.

## **Access improvements**

The aim is to enhance the current network of paths and rides in good condition and ensure they are suitable for easy walking by the majority of visitors. Some areas will remain unsurfaced but infrastructure such as bridges and boardwalks will provide improved access throughout the wood. Priority routes will be identified and maintained with desire lines, where they do not conflict with management or wildlife will be permitted to remain. The installation of stone tracks to facilitate management will also provide a central network of surfaced paths for the public to use.

In order to address the key objective of providing informal public access and environmental education, the construction of access furniture and interpretation signs should be undertaken in order to inform users of the wood how and why management is being undertaken. An important strand of the development of the wider landscape for access, an access and interpretation plan is likely to cross agreement boundaries to provide a continuous theme. It is agreed that interpretative material will have WWT as the main contact and land owner.

Dependent on the nature of the plan and wider landscape use, WWT may install benches or related art installations that support the objectives for the woodland.

## **Tree Safety**

A defensible tree management strategy will be implemented following agreed principles. This will involve a regular inspection of trees with frequency and level of inspection related to the risk to people and property. Tree safety inspections will be undertaken on trees adjacent to public roads, property and the route of permissive accesses.

### **Utilising timber to best value and product**

Where timber product can be produced sustainably through management, this will either be utilised as part payment of work or marketed and sold to achieve an income to invest back into the management of the site. Careful selection and consideration of timber will ensure that it realises its full market value potential and sold locally where possible.

### **Community Engagement**

The wood appears to have a number of visitors and this will increase greatly with the construction of the eventual 5,000 residential dwellings and industrial units. A priority will be to manage the impact of visitors to the woodland but essentially to develop a sense of ownership and local empowerment through opportunity for local people to manage their local woodlands. This will be essential and supported through the WWT volunteer management system. The site may be used as part as events and activities to promote WWT, its work and support through membership recruitment.

Training opportunities consummate with the objectives with the wood may also be explored and undertaken on site.

In regards to active management, it is essential to communicate and interpret the need and benefit of the management and this will be undertaken prior and during operations.



## SECTION 7: STAKEHOLDER ENGAGEMENT

There can be a requirement on both the FC and the owner to undertake consultation/engagement. Please refer to [Operations Note 35](#) for further information. Use this section to identify people or organisations with an interest in your woodland and also to record any engagement that you have undertaken, relative to activities identified within the plan.

Work Proposal	Individual/ Organisation	Date Contacted	Date feedback received	Response	Action
	Immediate neighbours and stakeholders				Ensure local interest is taken into account before, during and after operations. Continued communications and information will be passed to the local community and/or members with regards to all ongoing work.
	Rugby Borough Council				TPO requirements
	Forestry Commission				Continued communications and information will be passed to the Forestry Commission with regards to all ongoing work. Grant opportunities will be explored.
	Local record groups and county recorders including Butterfly Conservation, Warwickshire Flora Group, Fungi Group, county moth recorder, bat/reptile ecologist				Ensure notable species on site and their associated habitat are considered in management. Continued communication and opportunities to comment on each management plan review.

## SECTION 8: MONITORING

Indicators of progress/success should be defined for each management objective and then checked at regular intervals. Other management activities could also be considered within this monitoring section. The data collected will help to evaluate progress.

### 8.1 WOODLAND MONITORING

The specific monitoring methods and frequency required to ensure the management objectives and overall vision are being achieved are described in the table below.

Objective and Feature	Indicator of Progress/Success	Assessment Method and Frequency	Frequency	Responsibility	Assessment Results
<b>1.0 Governance</b>	Delivery committee/partnership is formed in Year 1, meets every quarter through to Year 10	Publication of meeting minutes every quarter and formal review findings at Year 5 and 10		WGC	
<b>2.0 Public Engagement</b>	50 number of people and a broad range of community groups reached by awareness campaign each year, Year 1 to 10	Annual visitor engagement surveys		WWT	
<b>3.0 Ecological Assets</b>	Increase in extent of ground flora and plant diversity. Woodland supports opportunities for roosting bats, and breeding birds. 15m buffer created around the existing woodland containing new habitats	Annual visual condition monitoring; formal ecology surveys at Year 5 and 10		WWT	
<b>4.0 Cultural Heritage Assets</b>	No deterioration in quality/extent of heritage assets. Understanding increased	Annual visual condition monitoring.		WWT	
<b>5.0 Landscape and Visual Amenity Assets</b>	No deterioration in quality/extent of assets.	Annual visual condition monitoring.		WWT	
<b>6.0 Arboricultural Assets</b>	Existing and future veteran tree specimens identified and safeguarded.	Annual visual condition monitoring; formal tree survey at Year 5 and 10		WWT	
<b>7.0 Woodland Management Access</b>	1.0 km of fully functioning access network Year 1 to 10	Minimum biennial visual condition surveys		WWT	

Objective and Feature	Indicator of Progress/Success	Assessment Method and Frequency	Frequency	Responsibility	Assessment Results
<b>8.0 Aquatic habitats</b>	1 km of fully functioning drainage network Year 1 to 10. Improved biodiversity value score of ponds.	Minimum biennial visual condition surveys. Ecology survey of ponds at Year 5 and 10		WWT	
<b>9.0 Public Access</b>	1.5 km of fully functioning access network Year 2 to 10	Minimum biennial visual condition surveys		WWT	
<b>10.0 Non-native invasive plants</b>	Non-native plants eradicated or reduced to minimum levels of presence (<10% of the LWS) by Year 10	Biennial visual condition surveys		WWT	
<b>11.0 Pests and diseases</b>	Reduced/minimised evidence of squirrel/deer damage	Biennial visual condition surveys		WWT	
<b>12.0 Woodland structure</b>	Diverse age structure and tree forms present throughout by Year 10	Annual woodland surveys		WWT	
<b>13.0 Environmental education and human wellbeing</b>	Regular (at least quarterly) events run each year with good attendance and overall positive feedback	Feedback forms at each event		WWT	

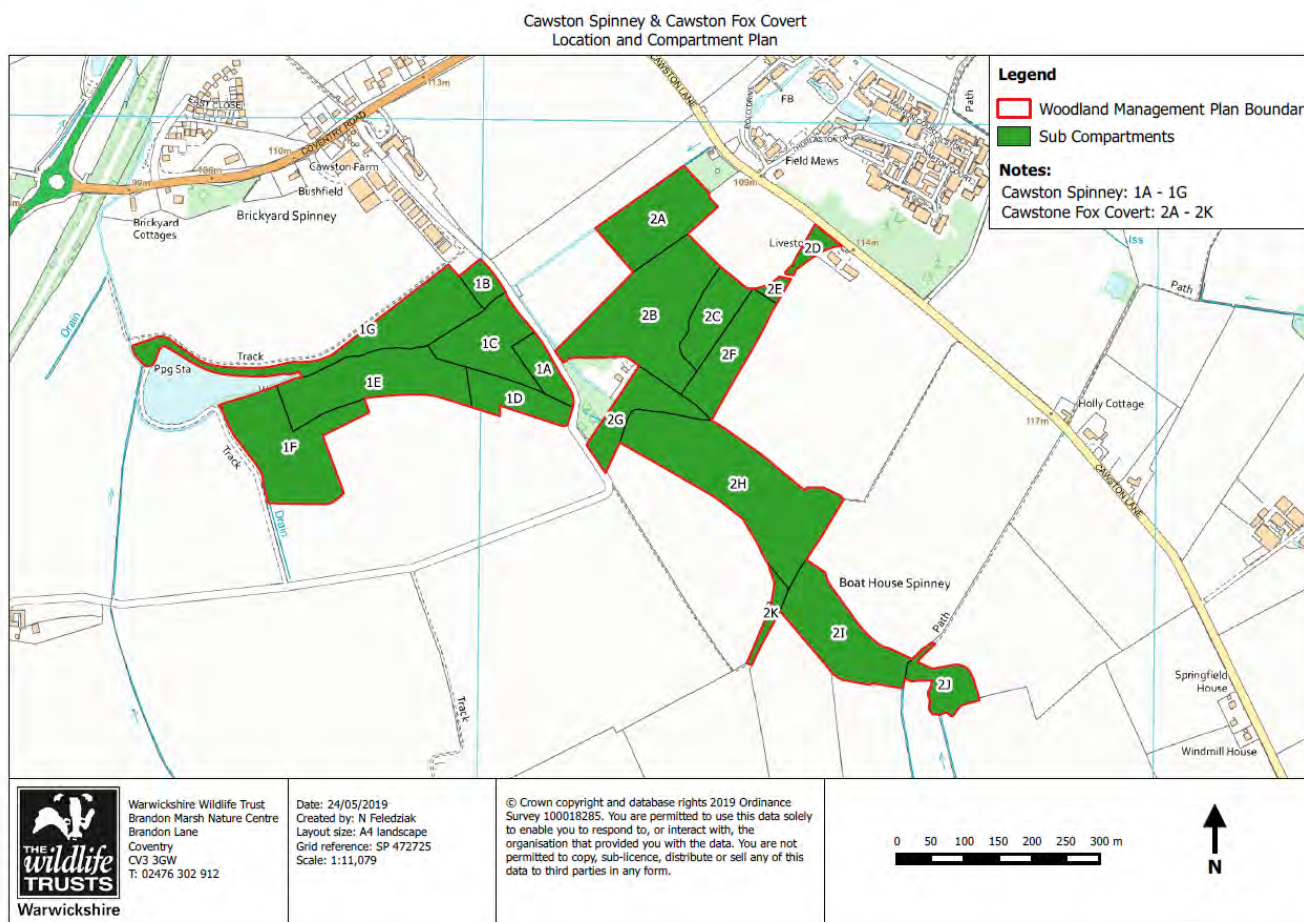
Table Notes: WGC Woodland Governance Committee; WWT – Warwickshire Wildlife Trust

### Formal Review Mechanism for the WMP at Year 5 and Year 10

The Delivery committee will formally review the WMP at Year 5 and Year 10, publish findings and recommendations, and amend the WMP as necessary to ensure the overall vision is achieved or maintained. To inform the review, the woodland surveys and a selection of ecological surveys will be repeated at Year 4 and Year 9 by suitably experienced surveyors.

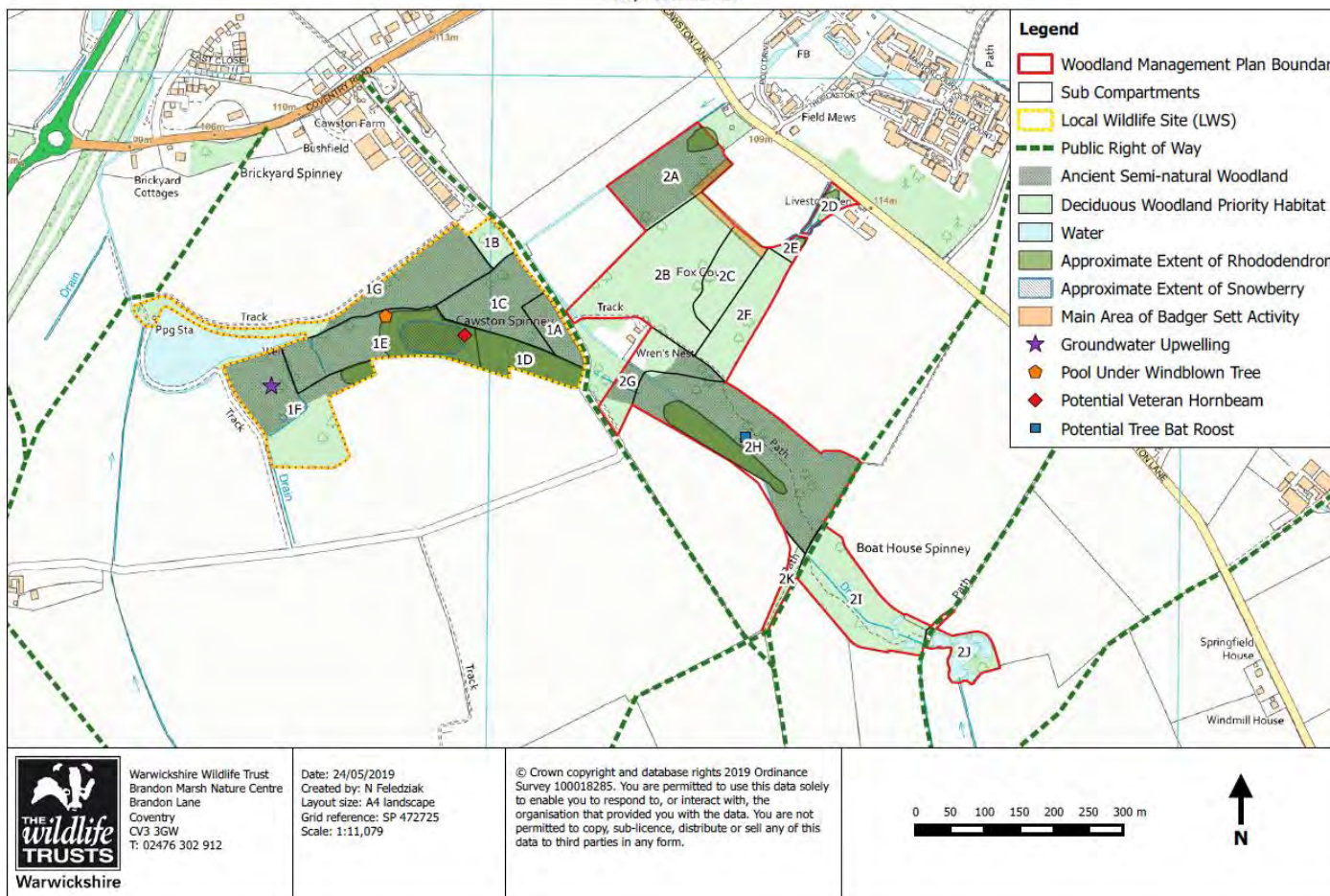
SECTION 9. APPENDICES

9.1 LOCATION AND COMPARTMENT PLAN



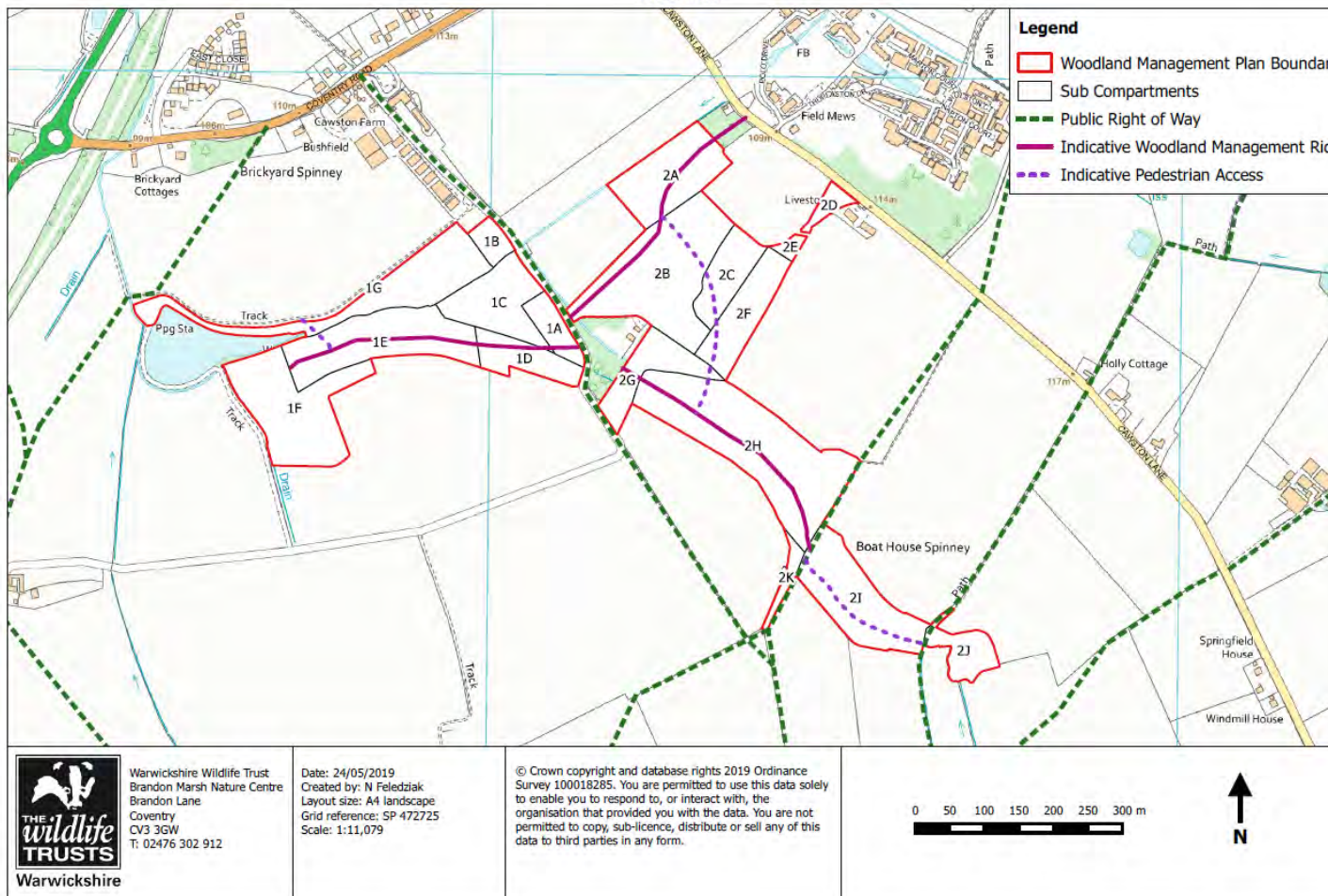
## 9.2 KEY FEATURES PLAN

Cawston Spinney & Cawston Fox Covert  
Key Features Plan

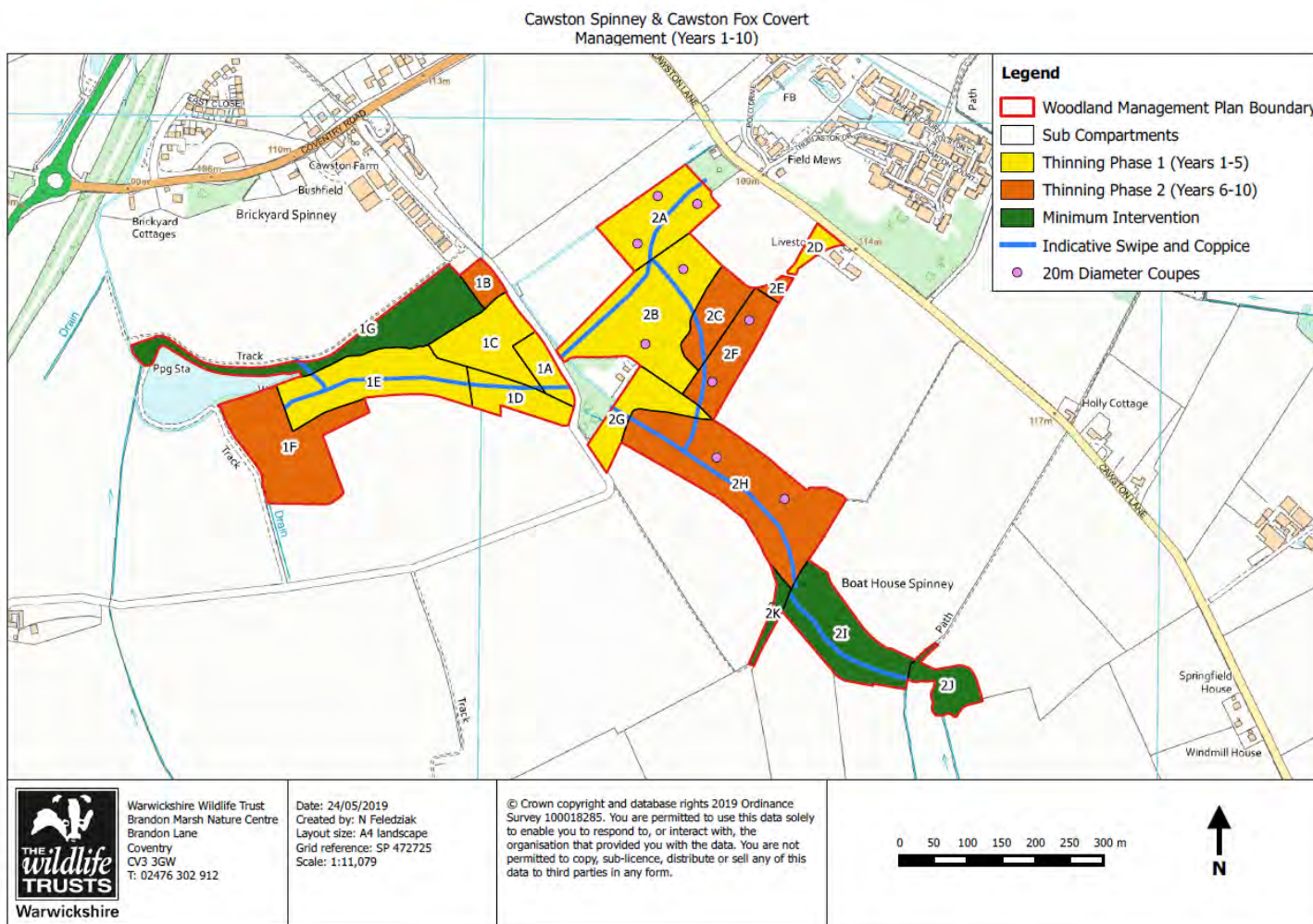


### 9.3 ACCESS PLAN

Cawston Spinney & Cawston Fox Covert  
Access Plan



## 9.4 WOODLAND MANAGEMENT YEAR 1 – 10



**9.5 TABLE 1 – COMPARTMENT SCHEDULE**

Cpt No.	Area (ha)	Main Species	Year	Management Regime	Major Management Constraints	Key Features Present	Designations
<b>1a</b>	0.41	Mixed plantation with predominant Douglas fir, Sycamore, Ash, Yew	1970-1980	Thinning Access creation.	Property boundary (dwelling) Tree safety, Ditch network.	Informal Public Access	Ancient Semi Natural Woodland
<p>Protect the significant Yew tree in this compartment.                      Manage only to thin the block of non-dominant stems of Douglas fir or those failing. Retain good form trees and manage track/ride side trees for safety.                      Install management ride and manage on a 2 zone system with organic and undulating canopy edge.                      Manage ditch network and crossing points as part of access improvements.</p>							
<b>1b</b>	0.26	Mixed native broadleaves – Ash, Sycamore, Holly plus Douglas fir	1940-2010	Thinning and coppicing	Tree safety	Informal Public Access	Tree Preservation Order
<p>Small area of woodland on the periphery of the compartment. Priority is track side tree safety.                      Longer term small coupes to be selectively felled or thinned at 20% with priority to dangerous and low value wildlife trees.                      Coppice any hazel stools that over mature on a determined cycle.</p>							



<b>1c</b>	1.12	Mixed native broadleaves – Ash, Sycamore, English oak, Holly, Hazel	1940-2010	Thinning and coppicing. Access creation.	Access and wet areas Invasive species	Ancient Semi Natural Woodland, Informal Public Access	Ancient Semi Natural Woodland, Tree Preservation Order
<p>Selectively thin 20% of stems and create ride side coupes/scallops            Clear any rhododendron in compartment and treat stumps.            Install management ride and manage on a 2 zone system with organic and undulating canopy edge.            Priority to focus on and to remove invasive snowberry through treatment – large extensive patch.            Coppice ride side hazel where possible as part of 2 zone ride management.            Manage ditch network and crossing points as part of access improvements.</p>							
<b>1d</b>	0.67	Mixed native broadleaves – Ash, Sycamore, English oak, Holly, Hazel	1940-2010	Thinning and coppicing. Access creation.	Access and wet areas Invasive species Boundary compartment Ditch network.	Ancient Semi Natural Woodland, Informal Public Access	Ancient Semi Natural Woodland, Tree Preservation Order
<p>Selectively thin 20% of stems and create ride side coupes/scallops            Clear any rhododendron in compartment and treat stumps.            Install management ride and manage on a 2 zone system with organic and undulating canopy edge.            Coppice ride side hazel where possible as part of 2 zone ride management.            Manage ditch network and crossing points as part of access improvements.</p>							

<b>1e</b>	1.82	Mixed native broadleaves – Ash, Sycamore, English oak, Holly, Hazel	1940-2010	Thinning and coppicing Access creation	Ditch network.	Ancient Semi Natural Woodland, Informal Public Access	Ancient Semi Natural Woodland, Tree Preservation Order
<p>Install management ride and manage on a 2 zone system with organic and undulating canopy edge.            Manage ditch network and crossing points as part of access improvements.            Clear any rhododendron in compartment and treat stumps.            Veteran hornbeam to be retained.            Selectively thin 20% of stems and create ride side coupes/scallops.</p>							
<b>1f</b>	1.97	Mixed native broadleaves – Ash, Sycamore, English oak, Holly, Hazel, Elder and Wych Elm	1940-2010	Tree safety	Access and wet areas Invasive species Boundary compartment	Ancient Semi Natural Woodland, Informal Public Access	Ancient Semi Natural Woodland, Tree Preservation Order
<p>Minimal intervention area. Access difficult due to conditions and has an established understorey of elder. Provides a buffer to the far west of the woodland. Trees will be managed for safety and longer term selective felling will occur to create small canopy openings, haloing around good form trees.</p>							
<b>1g</b>	1.74	Mixed native broadleaves – Ash, Sycamore, English oak, Holly, Hazel	1940-2010	Tree safety Access creation	Access and wet areas Boundary compartment	Ancient Semi Natural Woodland, Informal Public Access	Ancient Semi Natural Woodland, Tree Preservation Order
<p>Minimal intervention area. Access difficult due to ground conditions. Provides a buffer to the far west of the woodland. Trees will be managed for safety and longer term selective felling will occur to create small canopy openings, haloing around good form trees.            Over mature and potential veteran sweet chestnut to be retained.            Potential access created to north of pool and into the main ride network.</p>							

Cpt No.	Area (ha)	Main Species	Year	Management Regime	Major Management Constraints	Key Features Present	Designations
2a	1.35	Ash, Sycamore, Elm, Grey poplar, English Oak, Yew, Hybrid poplar	1900-1970	Thinning and coppice	Access and wet areas	Informal Public Access, Invasive species	Ancient Semi Natural Woodland, Tree Preservation Order
<p>Develop as mixed broadleaf compartments with good structural and species diversity. Selectively fell 3no. coupes in 20-30m diameter within ash stands. Allow natural regen or overplant with appropriate species if recruitment not successful. Selectively thin remaining 20% of stems. Fell hybrid poplar at next intervention and treat/remove stumps. Clear any rhododendron in compartment and treat stumps. Overstorey DBH range 50-100. Height 15-25m</p>							
2b	2.58	Beech, Sycamore, English oak, Douglas fir (some Yew, Elder, Ash and box)	1960-2010	Restoration of PAWS to coppice with standards. Ride management.	Boundary compartment	Informal public access	Tree Preservation Order
<p>Develop as mixed broadleaf compartments with good structural and species diversity. Slowly revert to coppice with standards. Selectively fell 2no. coupes in 30m diameter within ash stands. Allow natural regen or overplant with appropriate species – hazel, if recruitment not successful. Selectively thin remaining 20% of stems. Restore hedge on northern edge – gapping up and coppicing where appropriate. Install management ride and manage on a 2 zone system with organic and undulating canopy edge. Overstorey DBH range 30-80. Height 15-20m</p>							

<b>2c</b>	0.73	Yew, Sycamore, Beech, Ash, English oak, Box	1880-1970	Thinning	Access	Informal public access	Tree Preservation Order
<p>Retain Yew dominated character. Thin mixed broadleaf selectively to 15-20% Overstorey DBH range 30-90. Height 12-20m</p>							
<b>2d</b>	0.91	Yew, Sycamore, Beech, Ash, English oak, Box	1880-1980	Tree safety	Access Boundary compartment next to highway	Informal public access	Tree Preservation Order
<p>Priority is tree safety along highway and to remove invasive snowberry through treatment. Selectively fell small coupes over time to promote understorey. Overstorey DBH range 20-100. Height 8-20m</p>							
<b>2e</b>	0.10	Ash, Sycamore, Beech, Wych Elm, Douglas fir, Yew, Laurel, Snowberry	1930-1980	Tree safety	Access	Informal public access, Invasive species	Tree Preservation Order
<p>Priority is tree safety along highway and to remove invasive snowberry through treatment. Selectively fell small coupes over time to promote understorey. Overstorey DBH range 20-70. Height 14-25m</p>							

<b>2f</b>	0.97	Beech, Ash, Sycamore, English Oak, Larch, Douglas fir, Birch, Norway spruce, Box	1900-2000	Thinning	Access	Informal public access	Tree Preservation Order
<p>Retain mixed broadleaf dominated character. Thin at 15% selectively taking non-native species and sycamores. Create coupes of no more than 20m in diameter. Allow natural regen or overplant with appropriate species if recruitment not successful. Overstorey DBH range 30-80. Height 15-25m</p>							
<b>2g</b>	0.81	Beech, Ash, Sycamore, Hornbeam, English oak, Larch, Douglas fir, Yew, Hazel, Holly, Box	1900-1970	Thinning and ride management. Coppice ride side coupes.	Property boundary (dwelling) Tree safety	Informal public access	Semi Natural Ancient Woodland, Tree Preservation Order
<p>Develop as mixed broadleaved compartment. Maintain safe edge to property. Selectively thin 20% throughout. Allow natural regen or overplant with appropriate species if recruitment not successful. Install management ride and manage on a 2 zone system with organic and undulating canopy edge. Overstorey DBH range 30-80. Height 15-25m</p>							

2h	3.23	Beech, Ash, Sycamore, Hornbeam, English oak, Larch, Douglas fir, Yew, Hazel, Holly, Box, Scots pine, Sweet chestnut	1880-1980	Thinning and ride management. Coppice ride side coupes.	Compartment boundary. Access. Ditch network.	Informal Public Access, Invasive species	Semi Natural Ancient Woodland, Tree Preservation Order
<p>Develop as mixed broadleaved compartment.            Selectively thin 20% throughout. Allow natural regen or overplant with appropriate species if recruitment not successful.            Install management ride and manage on a 2 zone system with organic and undulating canopy edge – create wider glades to 3 zone if opportune.            Clean out ditch running across centre of compartment.            Selectively fell 2no. coupes in 20-30m diameter. Allow natural regen or overplant with appropriate species if recruitment not successful.            Clear any rhododendron in compartment and treat stumps.            Overstorey DBH range 30-90. Height 18-25m</p>							
2i	1.60	Ash, English oak, Birch, Hornbeam, Hybrid poplar, Wych elm, Grey poplar, Hazel, Holly, Box	1900-2000	Pond management and access creation. Tree safety.	Compartment boundary. Access and wet areas. Ditch network.	Informal public access	Tree preservation order
<p>Due to width and nature of the topography, focus should be on restoring the pond network, creating an accessible route for pedestrians and making safe/clearing dangerous trees.            Longer term, small coupes to be selectively felled and priority being the hybrid poplars.            Overstorey DBH range 40-100. Height 18-25m</p>							



Warwickshire

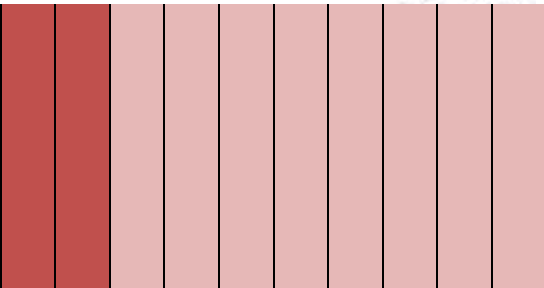
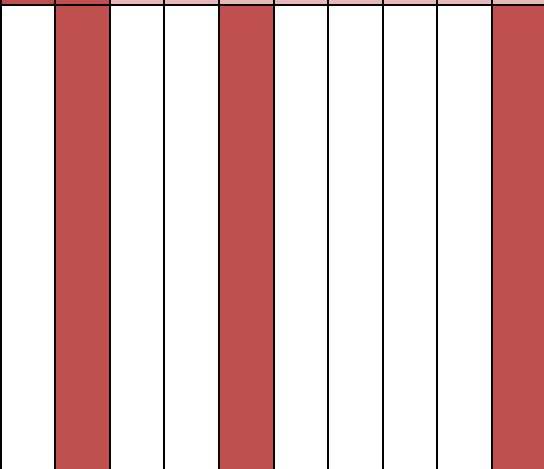
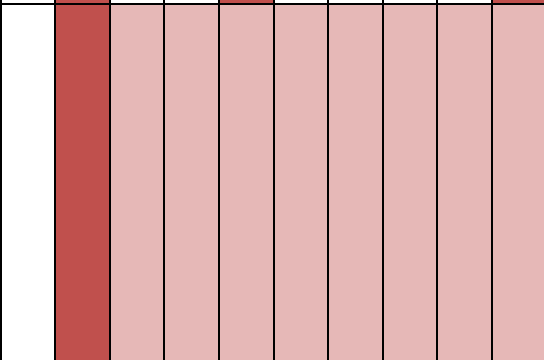
<b>2j</b>	0.54	Ash, English oak, Birch, Hazel, Holly, Sycamore	1859- 1990	Tree safety.	Compartment boundary.	Informal public access	Tree preservation order.
<p>Minimal intervention area – make safe trees over right of way. Overstorey DBH range 40-120. Height 15-18m</p>							
<b>2k</b>	0.19	Ash, English oak, Wych elm, Crab apple, Hawthorn	1850- 1980	Tree safety.	Compartment boundary.	Informal public access	Tree preservation order.
<p>Minimal intervention area – make safe trees over right of way. Overstorey DBH range 50-110. Height 15-25m</p>							

9.6 TABLE 2 – MANAGEMENT OBJECTIVES WORK SCHEDULE 1 – 10 YEARS

Ref no.	Feature	Management Intention (prescription), Timing and Frequency	Indicator of Progress/Success	Assessment Method	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10
1.0	<b>Governance</b>	In Year 1, form a Delivery committee which will oversee finalisation of the WMP in Year 1 and then oversee its subsequent delivery to Year 10 and beyond. Meet quarterly during Year 1 with subsequent meetings to be agreed at an appropriate frequency, as required.	Delivery committee/ partnership is formed in Year 1, meets every quarter through to Year 10	Publication of meeting minutes every quarter and formal review findings at years 5 and 10.										
2.0	<b>Public Engagement</b>	In Year 1, commence and continue a program of public engagement to communicate the work of the WMP and the woodland's value to the community to Year 10 and beyond. At least two events in Year 1, followed by annual events Years 2 to 10.	50 number of people and a broad range of community groups reached by awareness campaign each year, Year 1-10	Annual visitor engagement surveys.										
3.0	<b>Ecological Assets</b>	In Year 1, undertake further targeted ecological surveys for protected/Priority Species (principally roosting bats and invertebrates; May-Aug inclusive) to inform the delivery of the WMP. Then from Year 2 implement measures through the WMP to increase value of and understanding/interpretation of all ecological assets to Year 10 and beyond.	Increase in extent of ground flora and plant diversity. Woodland supports opportunities for roosting bats, and breeding birds. 15m buffer created	Annual condition monitoring; formal ecology surveys year 5 and 10.										



		Implement minimum of 15m buffer from the woodland edge within which new habitats are created.	around the existing woodland containing new habitats																
4.0	<b>Cultural Heritage Assets</b>	In Year 1, undertake further heritage investigations to inform the delivery of the WMP including site walkover survey, desk-based assessment, and if required, geophysical survey. Then from Year 2 implement measures through the WMP to secure and increase the understanding/ interpretation of the cultural heritage and archaeology assets to Year 10 and beyond.	No deterioration in quality/extent of heritage assets. Understanding increased	Annual visual condition monitoring.															
5.0	<b>Landscape and Visual Assets</b>	From Year 2, implement measures through the WMP to increase understanding/ interpretation of the value of the woodland as a key component in the wider landscape fabric to Year 10 and beyond. 5 no. interpretation panels.	No deterioration in quality/extent of assets.	Annual visual condition monitoring.															
6.0	<b>Arboricultural Assets</b>	From Year 2, implement measures through the WMP to secure and increase veteran tree stock and increase understanding/ interpretation of the value of the tree stock to Year 10 and beyond. Implement minimum of 15m buffer from the woodland edge within which no development occurs.	Existing and future veteran tree specimens identified and safeguarded.	Annual visual condition monitoring; formal tree survey at year 5 and 10.															

7.0	<b>Woodland Management Assets</b>	In Year 2, create and then maintain formal woodland management access tracks and bridges to Year 10 and beyond. Maintenance inspections of access tracks twice a year as a minimum and following storm events (severe amber or red weather warnings for wind/rain/snow); remediation of faults as necessary.	1.0 km of fully functioning management access network Year 1 to 10	Minimum biennial visual condition surveys.	
8.0	<b>Aquatic Habitats</b>	In Year 2, restore and then maintain a fully functioning drainage network to ensure that a variety of wet and dry woodland habitats persist to Year 10 and beyond. Maintenance inspections of channels twice a year as a minimum and following storm events (severe amber or red weather warnings for wind/rain/snow); remediation of faults as necessary. Selective removal of detrimental trees/shrubs around ponds to improve light levels. Consider dredging. Maintain Sub-compartment 2J as a wildlife area by retaining boundary screening vegetation.	1 km of fully functioning drainage network Year 1 to 10. Improved biodiversity value score of ponds.	Minimum biennial visual condition surveys. Ecology surveys of ponds at year 5 and 10.	
9.0	<b>Public Access</b>	In Year 2, create and maintain a formal network of public paths and strategic planting within the Cawston Spinney to appropriately manage public access to Year 10 and beyond. Undertake path improvements within Cawston Fox Covert. Maintenance inspections once a year as a minimum and following storm events (severe amber or red weather warnings for wind/rain/snow); remediation of faults as	1km of fully functioning access network Year 2 to 10 (in addition to ride network)	Minimum biennial visual condition surveys.	



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		necessary. Undertake tree risk surveys annually and after severe weather; remediation as appropriate.																
<b>10.0</b>	<b>Non-native Invasive Plants</b>	In Year 2, commence and continue control of invasive plants (including rhododendron and snowberry) to an acceptable level of minimal presence or absence by Year 5 and beyond. Monitor presence of other invasive species alongside normal management works and implement management programme as appropriate.	Non-native plants eradicated or reduced to minimum levels of presence (<10% of the LWS) by Year 10	Biennial visual condition surveys.														
<b>11.0</b>	<b>Pests and Diseases</b>	From Year 2, commence and continue to monitor presence of pests and diseases (including ash dieback, deer and grey squirrel) quarterly. Control/take remedial action to reduce effects by Year 5 and beyond; control intensity may reduce if success is achieved in first few years. Control for ash dieback may include pre-emptive felling and restocking with native broadleaves (by planting /propagation of and/or/selective thinning in favour of). Control for deer to include temporary fencing/tree guards of areas of restocking.	Reduced/minimised evidence of squirrel/deer damage	Biennial visual condition surveys.														

12.0	<b>Woodland Structure</b>	From Year 2, commence and continue thinning and re-stocking with native broadleaves (by planting/propagation of and/or/selective thinning in favour of) to create a diverse age structure in the canopy and understorey layer by Year 10 and beyond. Improve boundary hedgerows.	Diverse age structure and tree forms present throughout by Year 10	Annual woodland surveys	
13.0	<b>Environmental Education and Human Wellbeing</b>	From Year 2, commence and continue a specific program of woodland activities and volunteering opportunities targeted at community groups to promote education and wellbeing. Frequency dictated by level of interest. To recruit, induct and train volunteers - to assist with management and develop a working party for the wood for the 10 years and beyond.	Regular (at least quarterly) events run each year with good attendance and overall positive feedback. 20 volunteers recruited, inducted and trained.	Feedback forms at each event. 2 vols on average recruited per annum.	

**9.7 TABLE 3 – WOODLAND COMPARTMENT INDICATIVE PLAN OF OPERATIONS TABLE YR 1 - 10**

Cpt No	Sub Cpt	Area (Ha)	Type of Felling/ Operation	Y1	Yr2	Yr3	Yr4	Yr5	Yr6-10	Total (Ha)
1	a	tbc	Thinning		X					
1	a	tbc	Ride		X					
1	b	tbc	Thinning						X	
1	c	tbc	Thinning		X					
1	c	tbc	Ride		X					
1	d	tbc	Thinning		X					
1	d	tbc	Ride		X					
1	e	tbc	Thinning		X					
1	e	tbc	Ride		X					
1	f	tbc	Thinning							X
1	g	tbc	Thinning							
2	a	tbc	Thinning		X					
2	a	tbc	Ride		X					
2	b	tbc	Thinning		X					
2	b	tbc	Ride		X					
2	c	tbc	Thinning					X		
2	d	tbc	Thinning		X					
2	e	tbc	Thinning					X		
2	f	tbc	Thinning					X		
2	g	tbc	Thinning		X					
2	g	tbc	Ride		X					



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2	h	tbc	Thinning					X		
2	h	tbc	Ride		X					
2	i	tbc	Thinning							
2	j	tbc	Thinning							
2	k	tbc	Thinning							

**9.8 TABLE 4 – CAPITAL/EXTERNAL ITEMS**

Ref no.	Feature	Capital/External Item	Quantity	Location/Sub Cpt.	Year
1.0	<b>Governance</b>	x	x	x	X
2.0	<b>Public Engagement</b>	Events equipment	TBC	N/A	Yr 1
3.0	<b>Ecological Assets</b>	Targeted ecological surveys	X no. ecological surveys	All	Yr1-Yr5-Yr10
4.0	<b>Cultural Heritage Assets</b>	Geophysical survey	1	Targeted	Yr 1
5.0	<b>Landscape and Visual Assets</b>	Interpretation panels	5 approx.	2a/1a/1g/2l/2k	Yr1-Yr2
6.0	<b>Arboricultural Assets</b>	x	x	x	x
7.0	<b>Woodland Management Assets</b>	Contractors/Materials for rides and access	1 km management ride 1 km access	TBC	Yr1-Yr2
8.0	<b>Aquatic Habitats</b>	Pond/ditch desilt and revetment/barriers/bridges	4 ponds approx.	2l/1d/1e/2a	Yr2
9.0	<b>Public Access</b>	Gates/barriers/way markers	TBC	TBC	Yr2
10.0	<b>Non-native Invasive Plants</b>	x	x	x	X
11.0	<b>Pests and Diseases</b>	Replacement tree failures/guards/protection and exclusion plots	TBC	TBC	Yr5-Yr10
12.0	<b>Woodland Structure</b>	Hedgerow restoration trees/guards	TBC	2b/2c/2d/2e/2f/2h/2l/1e/1g/1f	Yr5-Yr10
13.0	<b>Environmental Education and Human Wellbeing</b>	Tools/PPE/Training	TBC	All	Yr3

## EQUALITY IMPACT ASSESSMENT (EqIA)

### Context

1. The Public Sector Equality Duty as set out under section 149 of the Equality Act 2010 requires Rugby Borough Council when making decisions to have due regard to the following:
  - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
  - advancing equality of opportunity between people who share a protected characteristic and those who do not,
  - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
  - age
  - disability
  - gender reassignment
  - marriage/civil partnership
  - pregnancy/maternity
  - race
  - religion/belief
  - sex/gender
  - sexual orientation
3. In addition to the above-protected characteristics, you should consider the crosscutting elements of the proposed policy, such as impact on social inequalities and impact on carers who look after older people or people with disabilities as part of this assessment.
4. The Equality Impact Assessment (EqIA) document is a tool that enables RBC to test and analyse the nature and impact of what it is currently doing or is planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. The questions will enable you to record your findings.
6. Where the EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. Once completed and signed off the EqIA will be published online.
8. An EqIA must accompany all **Key Decisions** and **Cabinet Reports**.
9. For further information, refer to the EqIA guidance for staff.
10. For advice and support, contact:  
Minakshee Patel  
Corporate Equality & Diversity Advisor  
[minakshee.patel@rugby.gov.uk](mailto:minakshee.patel@rugby.gov.uk)



Tel: 01788 533509



## Equality Impact Assessment

<b>Service Area</b>	<b>Development Strategy</b>
<b>Policy/Service being assessed</b>	<b>South West Rugby Supplementary Planning Document</b>
<b>Is this is a new or existing policy/service? If existing policy/service please state date of last assessment</b>	<b>This is a daughter document of the Rugby Borough Local Plan 2011-2031 that had its own EqlA as part of its statutory adoption process.</b>
<b>EqlA Review team – List of members</b>	<b>Peter Heath – Principal Planner – Development Strategy</b>
<b>Date of this assessment</b>	<b>16 September 2019</b>
<b>Signature of responsible officer (to be signed after the EqlA has been completed)</b>	

**A copy of this Equality Impact Assessment report, including relevant data and information to be forwarded to the Corporate Equality & Diversity Advisor.**

**If you require help, advice and support to complete the forms, please contact Minakshee Patel, Corporate Equality & Diversity Advisor via email: [minakshee.patel@rugby.gov.uk](mailto:minakshee.patel@rugby.gov.uk) or 01788 533509**

### Details of Strategy/ Service/ Policy to be analysed

<b><u>Stage 1 – Scoping and Defining</u></b>	
(1) Describe the main aims, objectives and purpose of the Strategy/Service/Policy (or decision)?	The Supplementary Planning Document (SPD) elaborates on the Local Plan's policies DS8 and DS9 relating to a site known as 'South West Rugby', providing guidance on how the allocation for 5000 dwellings and 35Ha of employment will be taken forward and implemented.
(2) How does it fit with Rugby Borough Council's Corporate priorities and your service area priorities?	The Local Plan is considered to benefit all groups with protected characteristics through increased provision of housing, employment and supporting infrastructure, including social and community facilities.
(3) What are the expected outcomes you are hoping to achieve?	<p>a) Cabinet is being asked to approve the SPD for public consultation, which will be for six weeks and can make use of the extensive consultation database developed for the Local Plan.</p> <p>b) Consultation is likely to take place October-November 2019.</p>
(4) Does or will the policy or decision affect: <ul style="list-style-type: none"> <li>• Customers</li> <li>• Employees</li> <li>• Wider community or groups</li> </ul>	The Borough Local Plan is considered to benefit all groups with protected characteristics through increased provision of housing, employment and supporting infrastructure. However the local plan is a broad document, having a detailed policy document (the SPD) setting out how this specific allocation can be implemented will enable the Council to exercise greater control over what the development industry actually delivers, ensuring that Council priorities can be delivered.
<b><u>Stage 2 - Information Gathering</u></b>	
(1) What does the information tell you about those groups identified?	The SPD is subservient to the Local Plan, so relies upon the extensive documentation already gathered for the Local Plan, which is available on the Council's web-site.

<p>(2) Have you consulted or involved those groups that are likely to be affected by the strategy/ service/policy you want to implement? If yes, what were their views and how have their views influenced your decision?</p>	<p>Cabinet has not yet approved the SPD for public consultation. Once consultation is approved it will be for 6 weeks and can make use of the extensive consultation database developed for the Local Plan.</p>
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<p>(3) If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary.</p>	<p>Consultation likely to take place October-November 2019.</p>
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<p><b><u>Stage 3 – Analysis of impact</u></b></p>			
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<p><b><u>(1)Protected Characteristics</u></b>          From your data and consultations is there any positive, adverse or negative impact identified for any particular group, which could amount to discrimination?           If yes, identify the groups and how they are affected.</p>	<p><b>RACE</b>          No adverse or negative impacts identified</p>	<p><b>DISABILITY</b>          No adverse or negative impacts identified</p>	<p><b>GENDER</b>          No adverse or negative impacts identified</p>
	<p><b>MARRIAGE/CIVIL PARTNERSHIP</b>          No adverse or negative impacts identified</p>	<p><b>AGE</b>          No adverse or negative impacts identified</p>	<p><b>GENDER REASSIGNMENT</b>          No adverse or negative impacts identified</p>
	<p><b>RELIGION/BELIEF</b>          No adverse or negative impacts identified</p>	<p><b>PREGNANCY MATERNITY</b>          No adverse or negative impacts identified</p>	<p><b>SEXUAL ORIENTATION</b>          No adverse or negative impacts identified</p>

<p><u>(2) Cross cutting themes</u></p> <p>(a) Are your proposals likely to impact on social inequalities e.g. child poverty, geographically disadvantaged communities? If yes, please explain how?</p> <p>(b) Are your proposals likely to impact on a carer who looks after older people or people with disabilities? If yes, please explain how?</p>	<p>When implemented proposals will result in increased employment opportunities and educational/health/community provision. This may help reduce social inequalities.</p> <p>No.</p>
<p>(3) If there is an adverse impact, can this be justified?</p>	<p>Not applicable</p>
<p>(4) What actions are going to be taken to reduce or eliminate negative or adverse impact? (this should form part of your action plan under Stage 4.)</p>	<p>Not applicable</p>
<p>(5) How does the strategy/service/policy contribute to the promotion of equality? If not what can be done?</p>	<p>See 2(a) above.</p>
<p>(6) How does the strategy/service/policy promote good relations between groups? If not what can be done?</p>	<p>Planning for the increased provision of housing, employment and associated services is considered to offer the potential for improved relations between groups through less competition for services reducing the potential for negative perceptions of service allocation.</p>
<p>(7) Are there any obvious barriers to accessing the service? If yes how can they be overcome?</p>	<p>None identified.</p>

**Stage 4 – Action Planning, Review & Monitoring**

If No Further Action is required then go to – Review & Monitoring

(1) Action Planning – Specify any changes or improvements that can be made to the service or policy to mitigate or eradicate negative or adverse impact on specific groups, including resource implications.

**EqlA Action Plan**

<b>Action</b>	<b>Lead Officer</b>	<b>Date for completion</b>	<b>Resource requirements</b>	<b>Comments</b>

(2) Review and Monitoring  
State how and when you will monitor policy and Action Plan

The authority produces an annual monitoring report, which is reported to Cabinet. In addition, the SPD will be subject to annual review and updating. If required, the SPD can be amended following feedback from Cabinet or as a result of any future consultation exercise.

Please annotate your policy with the following statement:

**‘An Equality Impact Assessment on this policy was undertaken on 16<sup>th</sup> September 2019 and will be reviewed on 16<sup>th</sup> September 2020.’**

**South West Rugby Supplementary Planning Document**

**Consultation Strategy**

<b>Document Title:</b> South West Rugby Supplementary Planning Document (SPD)- Consultation Draft Version	
<b>Nature of Plan being Prepared</b>	The document is a supplementary planning document (SPD). Once adopted it will not form part of the Development Plan but will sit beneath the Local Plan. Its purpose is to provide additional detail and information to help guide comprehensive development of the South West Rugby allocation. It has been specifically referenced in Local Plan Policy DS8 and DS 9 and once adopted will be a material consideration in the assessment of planning applications on or close to the allocation site.
<b>Purpose of Consultation</b>	Regulation 12b of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires SPDs to be consulted on for a minimum of 4 weeks. The aim of this consultation is to ensure the wider public are aware of the content of the SPD and give the public and other stakeholders an opportunity to submit representations on the draft SPD.
<b>Nature of issues that need to be consulted upon</b>	The SPD provides indicative masterplans for the allocation site. It also provides more detailed information on the delivery of necessary infrastructure to support the development of the allocation (e.g education provision, health provision and open space) and design. The SPD crucially does not introduce new policy but develops and expands upon Local Plan policies.
<b>Who should be consulted</b>	<p>The consultation will be open to anyone who wishes to submit a representation.</p> <p>In line with the Councils Statement of Community Involvement the following groups will be notified directly of the consultation. This will be done by email where possible with letters sent to those for whom an email address is not available:</p> <ul style="list-style-type: none"> <li>• All statutory bodies;</li> <li>• All Parish Councils; and</li> <li>• All groups and individuals who have opted to be on the Consultation Database.</li> </ul> <p>In addition to direct emails and letters, in order to raise wider public awareness of the consultation it will be promoted in the following ways, in line with the Council’s Statement of Community Involvement:</p> <ul style="list-style-type: none"> <li>• Information and documents will be published on the Council’s website;</li> </ul>

	<ul style="list-style-type: none"> <li>• The consultation will be advertised in the local paper; and</li> <li>• Hard copies of the documents will be available to view at the Town Hall, Rugby Library, Dunchurch Library and Wolston Library.</li> </ul>
<b>Why are we consulting them</b>	We are carrying out this consultation to ensure all individuals and groups who may be affected by the South West Rugby development have the opportunity to voice their opinions on the content of the SPD.
<b>When consultation will take place</b>	The consultation will take place for a period from the [8 <sup>th</sup> October 2019 to 5pm on the 22 <sup>nd</sup> November 2019].
<b>Accessible Inclusive Consultation</b>	<p>As outlined above the consultation will be promoted both online and in the local newspaper and the SPD will be available to read both online or in hard copy form.</p> <p>In addition to this, to ensure the consultation is accessible and inclusive, the following measures will be put in place:</p> <ul style="list-style-type: none"> <li>• Hard copies of the SPD can be posted out to individuals upon request;</li> <li>• Individuals can call or email to discuss the document with a development strategy officer;</li> <li>• Adapted versions of the document can be produced on request, e.g. large print;</li> <li>• Representations can be submitted by email or post.</li> </ul>
<b>How comments will be taken into account</b>	<p>Each representation will be read and carefully considered. If it is felt that as a result of the representation changes should be made to the SPD then these will be incorporated into the final document. It is important to note that not all representations received will lead to changes in the SPD.</p> <p>A comment will be provided by the Council on each representation received and this will be published as part of the Consultation Statement.</p>
<b>How comments will be reported</b>	<p>A Consultation Statement will be published following the close of the consultation. This will include:</p> <ul style="list-style-type: none"> <li>• A list of the persons consulted;</li> <li>• A summary of each representation; and</li> <li>• A comment on how each representation has been considered.</li> </ul>



**AGENDA MANAGEMENT SHEET**

**Report Title:** Willoughby Neighbourhood Development Plan Examination Report and Approval for Referendum

**Name of Committee:** Cabinet

**Date of Meeting:** 7 October 2019

**Report Director:** Head of Growth and Investment

**Portfolio:** Growth and Investment

**Ward Relevance:** Leam Valley

**Prior Consultation:** Willoughby Parish Council (as the Neighbourhood Development Plan 'Qualifying Body'), carried out the pre-submission Regulation 14 consultation between the 21st January and the 10th March 2019. A Regulation 16 public consultation on the submission version was carried out by Rugby Borough Council between 25h June and 6<sup>th</sup> August 2019.

**Contact Officer:** Martin Needham

**Public or Private:** Public

**Report Subject to Call-In:** Yes

**Report En-Bloc:** No

**Forward Plan:** Yes

**Corporate Priorities:**

**(CR) Corporate Resources**  
**(CH) Communities and Homes**  
**(EPR) Environment and Public Realm**  
**(GI) Growth and Investment**

This report relates to the following priority(ies):

- To provide excellent, value for money services and sustainable growth
- Achieve financial self-sufficiency by 2020
- Enable our residents to live healthy, independent lives
- Optimise income and identify new revenue opportunities (CR)
- Prioritise use of resources to meet changing customer needs and demands (CR)
- Ensure that the council works efficiently and effectively (CR)
- Ensure residents have a home that works for them and is affordable (CH)

- Deliver digitally-enabled services that residents can access (CH)
- Understand our communities and enable people to take an active part in them (CH)
- Enhance our local, open spaces to make them places where people want to be (EPR)
- Continue to improve the efficiency of our waste and recycling services (EPR)
- Protect the public (EPR)
- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)
- This report does not specifically relate to any Council priorities but

**Statutory/Policy Background:**

The Localism Act 2011

The Neighbourhood Planning (General) Regulations 2012 (as amended)

The Neighbourhood Planning (Referendums) Regulations 2012

The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016

The Neighbourhood Planning Act 2017

**Summary:**

This report seeks approval from Cabinet to accept the contents of the Examiner's report for the Willoughby Neighbourhood Development Plan and to proceed to referendum at the earliest practicable opportunity.

The Neighbourhood Development Plan has been formally examined by an independent Examiner. The Examiner concluded that subject to a series of modifications, the Neighbourhood Development Plan meets the necessary legal requirements and should proceed to referendum.

The recommended modifications have been considered acceptable by RBC Planning Officers in liaison with Willoughby Parish Council, and have been incorporated into the Neighbourhood Development Plan. In accordance with the recommendation in the

Examiner's report, with the inclusion of these the Plan should therefore proceed to referendum. The referendum will ask "Do you want Rugby Borough Council to use the Neighbourhood Development Plan for Willoughby Parish to help it decide planning applications in the neighbourhood area?".

If the Neighbourhood Development Plan is supported by a majority at referendum, it will be returned to Council with a recommendation that it is formally 'made' in accordance with regulations.

This report is seeking Cabinet approval to:

- a) Accept the conclusions of the Examiner's report and recommended modifications to the Neighbourhood Development Plan; and
- b) Proceed to referendum at the earliest practicable opportunity, to take place in the Willoughby Neighbourhood Area.

**Financial Implications:**

Rugby Borough Council will have to cover the cost of the referendum.

Once a date for the referendum is set Rugby Borough Council can claim financial support in the form of £20,000 of central government funding to cover these costs.

**Risk Management Implications:**

There could be a risk of legal implications if Cabinet were not to follow the recommendation as this would mean the Local Planning Authority was not dealing with the Willoughby Neighbourhood Development Plan in line with The Neighbourhood Planning (General) Regulations 2012 (as amended). Such a decision would be open to challenge by way of judicial review.

**Environmental Implications:**

There are no environmental implications.

**Legal Implications:**

There could be legal implications if Cabinet were not to follow the recommendation as this would mean the Local Planning Authority was not dealing with the Willoughby Neighbourhood Development Plan in line with The Neighbourhood Planning (General) Regulations 2012 (as amended). Such a

decision would be open to challenge by way of judicial review.

**Equality and Diversity:**

There are no implications for equality and diversity. An Equality Impact Assessment has been completed to support this document and has been appended to this Cabinet Report.

**Options:**

Option One: Accept the Examiner's report with recommended modifications and approve the Willoughby Neighbourhood Development Plan for referendum.

Risks: There are no risks associated with this option.

Benefits: The Neighbourhood Development Plan as modified will be able to progress towards being adopted or 'made'.

Option Two: Reject the contents of the Examiner's report and do not approve the Willoughby Neighbourhood Development Plan to proceed to referendum.

Risks: There could be legal implications if Cabinet were not to follow the recommendation as this would mean the Local Planning Authority was not dealing with the Willoughby Neighbourhood Development Plan in line with The Neighbourhood Planning (General) Regulations 2012 (as amended).

Benefits: There are no benefits associated with this option.

**Recommendation:**

- (1) The conclusions of the Examiner's report and recommended modifications to the Neighbourhood Development Plan be accepted; and
- (2) a referendum be held at the earliest practicable opportunity, to take place in the Willoughby Neighbourhood Area.

**Reasons for Recommendation:**

To fulfil the legislative requirement and allow for the Willoughby Neighbourhood Development Plan to progress towards being 'made' in accordance with the Neighbourhood Planning (Referendum) Regulations 2012.

## Agenda No 6

**Cabinet - 7 October 2019**

### **Willoughby Neighbourhood Development Plan Examination Report and Approval for Referendum**

#### **Public Report of the Executive Director**

##### **Recommendation**

- (1) The conclusions of the Examiner's report and recommended modifications to the Neighbourhood Development Plan be accepted; and
- (2) a referendum be held at the earliest practicable opportunity, to take place in the Willoughby Neighbourhood Area.

*Note: all appendices to the report will be sent out electronically only to Members.*

#### **1. Introduction**

- 1.1 Neighbourhood planning was introduced with the Localism Act 2011. Since then communities across the country have taken up the opportunity to prepare Neighbourhood Development Plans. These plans enable communities to put in place a vision and policies for future local development. Upon adoption, following majority support at a referendum and being 'made' by the Council, a Neighbourhood Development Plan forms part of the development plan for the local planning authority and is used in determining planning applications.

#### **2. Willoughby Neighbourhood Development Plan**

- 2.1 Following an application by Willoughby Parish Council (as the qualifying neighbourhood planning body), Willoughby Parish was formally designated as the Neighbourhood Area on 5<sup>th</sup> October 2017, in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2 Willoughby Parish Council submitted their Neighbourhood Development Plan to Rugby Borough Council on 16<sup>th</sup> May 2019. Following approval at Cabinet on 24<sup>th</sup> June 2019 Rugby Borough Council ran the regulation 16 public consultation between 25<sup>th</sup> June 2019 and 6<sup>th</sup> August 2019. The Neighbourhood Development Plan and the responses to the consultation were passed onto the appointed independent Examiner for the examination process to be undertaken. The examination was carried out by way of written representations.
- 2.3 The Examiner provided his report to Rugby Borough Council on 10<sup>th</sup> September 2019. This can be found as Appendix 1 to this report. The Examiner's report notes that the Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area, and there is a very clear focus on safeguarding its attractive character. The

report states that subject to a series of modifications, the Neighbourhood Development Plan meets all of the necessary legal requirements and should proceed to the next stage, which is the referendum, and this should be held within the Neighbourhood Area. A schedule of the modifications is listed in Appendix 2. The modifications included deleting reference to a proposed 'green gap' landscape protection, but have otherwise largely related to refining the proposed policies for use with planning applications. The report also notes that the Plan has been underpinned by community support and engagement, and all sections of the community have been engaged in its preparation. A summary of the consultation responses received for the examination is included in Appendix 3.

- 2.4 Rugby Borough Council Planning Officers and Willoughby Parish Council have been in agreement with the findings of the Examiner's report and the recommended modifications. The modifications have been incorporated into the Neighbourhood Development Plan, and a referendum version, which includes all of these, is included in Appendix 4.
- 2.5 The Equality Impact Assessment for the Neighbourhood Development Plan has been reviewed and updated. No significant changes were identified as a result of the Examination. The Equality Impact Assessment is included in Appendix 5.

### **3. Next Steps**

- 3.1 In order for the Willoughby Neighbourhood Development Plan to progress towards forming part of the Rugby Borough development plan, the Council will need to formally accept the recommendations of the Examiner's report and approve the document for referendum. Should more than half of those voting vote in favour of the Neighbourhood Development Plan, this would subsequently be reported back to Council for a decision as to whether the Neighbourhood Development Plan should be 'made'. The referendum will ask the question "Do you want Rugby Borough Council to use the Neighbourhood Development Plan for Willoughby Parish to help it decide planning applications in the neighbourhood area?".
- 3.2 Officers in Development Strategy are liaising with colleagues in Democratic Services and the Legal department in order to undertake this referendum, subject to the recommendation in this report being supported. On the basis of discussions to date it is anticipated that the referendum would take place in late November 2019, in the Willoughby Neighbourhood Development Plan Area. A map showing the Neighbourhood Area is included in Appendix 6.

### **4. Conclusions**

- 4.1 The Willoughby Neighbourhood Development Plan is at an advanced stage and has been through the necessary consultation and examination stages required by legislation. Cabinet is recommended to accept the conclusions and recommended modifications in the Examiner's report and to approve the Willoughby Neighbourhood Development Plan for referendum in order for the document to progress to the next stage of its completion.

## **List of Appendices**

**Appendix 1** – Examiner’s Report on the Willoughby Neighbourhood Development Plan;

**Appendix 2** – List of Modifications as Recommended by the Examiner;

**Appendix 3** – Summary of Consultation Responses;

**Appendix 4** – The Willoughby Neighbourhood Development Plan (Referendum Version);

**Appendix 5** – Equality Impact Assessment; and

**Appendix 6** – A Map of the Designated Willoughby Neighbourhood Area

**Name of Meeting:** Cabinet

**Date of Meeting:** 7 October 2019

**Subject Matter:** Willoughby Neighbourhood Development Plan Examination Report and Approval for Referendum

**Originating Department:** Growth and Investment

**DO ANY BACKGROUND PAPERS APPLY**  **YES**  **NO**

**LIST OF BACKGROUND PAPERS**

<b>Doc No</b>	<b>Title of Document and Hyperlink</b>
1	Willoughby Neighbourhood Development Plan (Submission Version May 2019) <a href="https://www.rugby.gov.uk/downloads/file/2322/willoughby_submission_n_dp">https://www.rugby.gov.uk/downloads/file/2322/willoughby_submission_n_dp</a>
2	Willoughby Parish Council's response to Examiner's Clarification Note <a href="https://www.rugby.gov.uk/downloads/file/2406/willoughby_parish_councils_response_to_examiners_clarification_note">https://www.rugby.gov.uk/downloads/file/2406/willoughby_parish_councils_response_to_examiners_clarification_note</a>

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

<b>Doc No</b>	<b>Relevant Paragraph of Schedule 12A</b>



# **Willoughby Neighbourhood Development Plan 2019-2031**

**A report to Rugby Borough Council on the  
Willoughby Neighbourhood Development Plan**

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) MA, DMS, MRTPI**

**Director – Andrew Ashcroft Planning Limited**

## **Executive Summary**

- 1 I was appointed by Rugby Council in August 2019 to carry out the independent examination of the Willoughby Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 13 August 2019.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its attractive character. It is a very effective Plan which carefully addresses a series of important issues that face the local community.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation. It has been prepared in short order.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Willoughby Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**10 September 2019**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Willoughby Neighbourhood Development Plan 2019-2031 (the Plan).
- 1.2 The Plan has been submitted to Rugby Borough Council (RBC) by Willoughby Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It seeks to provide a context in which the neighbourhood area can maintain its distinctiveness, identity and character.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by RBC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the RBC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report I am satisfied that all of the points have been met.

### 3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- Appendices 1-9
- the Basic Conditions Statement.
- the Consultation Statement.
- the RBC SEA/HRA Screening report.
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- the adopted Rugby Borough Local Plan 2011-2031
- the National Planning Policy Framework (February 2019).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 13 August 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. Its strength is the way in which it summarises the key stages of consultation and provides the details in a series of appendices. This contributes significantly to its legibility.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (January to March 2019).
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the various stages of the Plan. It includes details about:
- the Parish Council Survey - June 2017;
  - the Issues and Options consultation - May to June 2018;
  - the Plan website updates in April, May and July 2018;
  - the delivery of flyers to households and businesses;
  - the monthly updates in the Parish magazine;
  - the first open day in May 2018; and
  - the second open day in October 2018.
- 4.5 The various appendices provide more detailed information on the processes undertaken. Appendix 2 sets out the nature of the Issues and Options consultation phase. It demonstrates the professional way in which those responsible for the preparation of the Plan sought to address the expectations of the wider community. It also reproduces the documents and the information used. This gives a sense of depth and interest to the Statement.
- 4.6 Appendix 4 of the Statement sets out how the submitted Plan took account of consultation feedback at the pre-submission phase. It does so in a proportionate and effective way. This wider analysis helps to describe how the Plan has progressed to its submission stage.
- 4.7 Consultation on the submitted plan was undertaken by the Borough Council that ended on 6 August 2019. This exercise generated representations from the following persons and organisations:
- Coal Authority

- Environment Agency
- Gladman Developments Limited
- Highways England
- Historic England
- R Jackson
- J Jenkins
- National Grid
- Natural England
- Severn Trent
- Warwickshire County Council

4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so I refer to specific representations on a policy-by-policy basis.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is the parish of Willoughby. It is located between Dunchurch and Daventry in the River Leam Valley. It is irregularly- shaped and is mainly pleasant countryside. The A45 runs through the neighbourhood area in a north-west to south-east direction. Its population in 2011 was 398 persons living in 193 dwellings. It was designated as a neighbourhood area on 5 October 2017.
- 5.2 The village of Willoughby is located in the centre of the neighbourhood area. The bulk of the village sits to the west of the A45. As the Plan describes the village has a linear layout which consists of single plots on either side of the through roads with four offshoot roads where more recent development has taken place. The combination of the arrangement of the roads, the design and alignment of the various buildings and in many cases their vernacular appearance results in an attractive village environment.
- 5.3 The neighbourhood area's position within its wider landscape setting has historically contributed towards the development of transport networks. The Oxford Canal runs to the immediate east of the village. It forms a distinctive and attractive feature in the local landscape. The former Great Central main railway line also runs to the east of the village by the A45. The disused railway line continues to be a well-defined feature in the local landscape both in general and where it runs parallel to the Oxford Canal to the north of Longdown Lane in particular.

### *Development Plan Context*

- 5.4 The Rugby Borough Local Plan was adopted in June 2019. It sets out the basis for future development in the Borough up to 2031. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan.
- 5.5 Willoughby is one of a series of rural villages as identified in the settlement hierarchy in Policy GP2. In such villages new development will be permitted within existing settlement boundaries only. In the countryside new development will be resisted other than where it conforms with national policy.
- 5.6 The following other policies in the Local Plan are particularly relevant to the Willoughby Neighbourhood Plan:
- |      |   |
|------|---|
| H1   | Informing Housing Mix                               |
| ED3  | Employment Development Outside the Rugby urban area |
| ED4  | The Wider Urban and Rural Economy                   |
| HS1  | Healthy, Safe and Inclusive Communities             |
| HS3  | Local Shops and Community Facilities                |
| NE2  | Strategic Green and Blue Infrastructure             |
| NE3  | Landscape Protection and Enhancement                |
| SDC1 | Sustainable Design                                  |



SDC3	Protecting and Enhancing the Historic Environment
SDC5	Flood Risk Management
SDC8	Renewable Energy and Low Carbon Technology

5.7 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.

5.8 The submitted neighbourhood plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the Borough. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

*Visit to the neighbourhood area*

5.9 I carried out an unaccompanied visit to the neighbourhood area on 13 August 2019. The weather was warm and pleasant.

5.10 I drove into the Plan area from the A45 to the east. This helped me to understand the neighbourhood area in its wider landscape context. It also highlighted the sensitive way in which the village relates to this context.

5.11 I parked by St Nicholas Church. Given the compact nature of the village I was able to undertake the majority of the visit on foot.

5.12 There was an overwhelming sense of quietness during the visit. It was disturbed only by bird song and the conversations in and around B Beautiful in Lower Street. I spent a quiet five minutes with the ducks at the Village Pond. They seemed disappointed that I had brought no food. I continued along Lower Street. In doing so I saw the Willoughby alpacas. I also saw the traditional vernacular buildings within the village centre and as identified in the submitted Plan.

5.13 I then continued along Moor Lane to the moat. I then walked back to Main Street. I saw the different types of dwellings which, in the round, contribute to the character and appearance of the village. The cottages on the north side of Main Street are good examples of traditional buildings in the village.

5.14 I then saw the very attractive garden area developed in March 1985 by the Willoughby Educational Trust. The village map was particularly helpful given the purpose of my visit. I saw the ongoing effectiveness of the Church roof appeal and the Willoughby 2000 Sundial and Time Capsule. I also saw the former phone box under restoration for its future role as a village book swap and the Jubilee Allotment Museum.

5.15 I then looked at the Rose Inn and the Village Hall. I saw that they were at the very heart of the community. I saw the very impressive Diamond Jubilee Mosaic on the wall of the Village Hall.

- 5.16 I carried on down Main Street. I saw the former Wesleyan Chapel, The Smithy and Whitehouse Farmhouse and the collection of buildings on the A45. I then drove round the more outlying parts of the neighbourhood area. In doing so I saw the Oxford Canal and the alignment of the disused railway line.

## 6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I assess the Plan against the basic conditions under the following headings.

### *National Planning Policies and Guidance*

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued earlier this year.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Willoughby Neighbourhood Development Plan:
- a plan led system – in this case the relationship between the neighbourhood plan and the adopted Rugby Borough Local Plan 2011-2031;
  - delivering a sufficient supply of homes;
  - building a strong, competitive economy;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;
  - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies that address a range of housing and environmental matters. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes a policy for infill residential development within defined settlement boundaries (Policy W8) and for home working and the development of small businesses (W9). In the social role, it includes a policy on community and recreational facilities (W10). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on landscape character (W1), important views (W2), flood risk (W5) and design (W7). This assessment overlaps with the Parish Council's comments on this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in the wider Rugby Borough area in paragraphs 5.4 to 5.8 of this report.

- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*European Legislation and Habitat Regulations*

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, RBC undertook a screening exercise in November 2018 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process RBC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require a SEA. The screening report includes the responses from the three consultation bodies. This is best practice.
- 6.15 RBC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It concludes that the submitted Plan is unlikely to have significant effects on a European site. It identifies that there are no European sites within 15kms of the neighbourhood area. It concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and Appropriate Assessment is not required.
- 6.16 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.17 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

*Summary*

- 6.18 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report. Section 7 assesses each policy against the basic conditions. Where necessary it recommends modifications on a policy-by-policy basis.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial sections of the Plan (Sections 1-3)*

- 7.8 The Plan as a whole is very well-organised and includes effective maps. It makes an appropriate distinction between the policies and their supporting text. Its design will ensure that it will comfortably be able to take its place as part of the development plan in the event that it is eventually 'made'. The initial elements of the Plan set the scene for the policies. They are proportionate to the Plan area and the subsequent policies.
- 7.9 The presentation of the Plan is excellent. It makes good use of colour and well-chosen photographs.
- 7.10 Section 1 comments about the nature of neighbourhood planning. It provides background information on neighbourhood planning, how the process was pursued locally and the consultation process involved. Figure 1 is particularly helpful in this context.
- 7.11 Section 2 describes the way in which the plan was produced for the neighbourhood area. It does so in a very effective fashion. It overlaps with the submitted Consultation Statement.

- 7.12 Section 3 comments about the Plan's Vision and Objectives. It is well-constructed. It describes how the Vision and the Objectives of the Plan were developed. Its key strength is the way in which the Objectives directly stem from the Vision.
- 7.13 Section 4 comments about the way in which the detailed information collected on the Plan has underpinned the development of policies. In this way there is a close functional relationship between the various topic-based areas and the resulting policies. In this context the topic-based areas are as follows:
- Protecting and Enhancing our Rural Landscape;
  - Local Green and Blue Infrastructure;
  - Conserving and Enhancing Built Heritage Assets;
  - Encouraging High Quality and Sustainable Design;
  - Providing Homes;
  - Supporting Small Businesses and Home Working; and
  - Protecting and Improving Local Facilities and Services.
- 7.14 A key strength of the Plan is the way in which it has been prepared and organised. It is clear to understand and the policies flow from the evidence base and the supporting text. In addition, it has a clear focus on a relatively small number of key development issues in the area. On this basis it deliberately avoids repeating national or local policies. The Plan's approach would be a useful template for others to follow.
- 7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.
- Policy W1: Protecting and Enhancing Rural Landscape Character
- 7.16 This policy sets the scene for the remainder of the Plan. Its intention is to protect and enhance the rural landscape character of the neighbourhood area.
- 7.17 The supporting text in Section 4.2 of the Plan on this matter is extensive. It comments on local published studies, the nature of the local landscape and its historic context.
- 7.18 The policy itself has been designed in a non-prescriptive fashion. In this context it sets out a series of landscape design principles. In general terms I am satisfied that this approach meets the basic conditions. Nonetheless I recommend that the policy clarifies that the principles should only apply where they are directly relevant to the proposed development.
- 7.19 The range of principles are distinctive to the neighbourhood area. In some cases, I recommend detailed changes to the words used so that they have the clarity required by the NPPF.
- 7.20 Landscape design principle F comments about green gaps between Willoughby and other hamlets and villages. This part of the policy seeks to ensure that Willoughby remains separate from other nearby settlements and that coalescence does not occur. I sought advice on this matter from the Parish Council. I was advised that this part of the policy was to retain the separation of Willoughby from Onley to the north and from

Sawbridge to the south west. The Parish Council produced a map showing the 'green gaps'. It also identified its ongoing concerns about development pressures which may arise on the Lodge Farm site to the immediate north-west of the neighbourhood area. Development was proposed on that site in an earlier version of the Local Plan. It was not included in the adopted version of the Local Plan.

7.21 I have considered this matter carefully. As submitted, I am not satisfied that this part of the policy meets the basic conditions. I have reached this view for the following reasons:

- the combined effect of the distances between Willoughby and both Olney (1500 metres) and Sawbridge (1200 metres) and the limited scale of each of the three settlements are such that the practical risks of coalescence are minimal;
- the policy is effectively addressing a strategic issue which is beyond the remit of a neighbourhood plan;
- the adopted Local Plan does not allocate the Lodge Farm site (to the north and west of the neighbourhood area) for development; and
- in any event the mapping information provided at the clarification note stage was not included in the submitted Plan.

7.22 The wider issue of the distinctive location and setting of Willoughby is however a significant matter. In order to reflect this issue, I recommend that this element of the policy is recast in a more general fashion. I also recommend that it sits as a freestanding part of the policy. This would reflect that it is very different from the landscape design principles in the policy.

**In the second part of the policy add the following after 'principles': 'where they are applicable to the site concerned'**

**In A replace 'acceptable' with 'supported' and delete 'or fall under permitted development'**

**In C replace 'is' with 'will be'**

**In D replace 'Steps should be taken to' with 'Development proposals should'**

**In E replace 'will be strongly resisted' with 'will not be supported'**

**Delete Principle F (and alter the sequencing in the remainder of the policy accordingly).**

**In G after 'appropriate' add 'to their setting, be'**

**In H delete 'aim to' and add at the end 'wherever it is practicable to do so'**

**As a free-standing paragraph at the end of the policy add: 'Development proposals should be designed and located to ensure that Willoughby village remains as a distinctive settlement in its wider agricultural hinterland'**



### Policy W2: Protecting Significant Local Views

- 7.23 This policy recognises that there is a strong functional relationship between the village and its surrounding agricultural hinterland. This inevitably results in several significant views within and around the village. They are identified on Maps 2A and 2B. The maps are associated with photographs of the views concerned. This helps significantly in the appreciation of the wider policy approach.
- 7.24 The supporting text comments about the community's views on this matter and their relationship to the Village Design Statement (2014).
- 7.25 I looked at the various views when I visited the neighbourhood area. I saw that they were very distinctive and had been carefully-chosen. I am also satisfied that they are wider public views rather than private views with limited or no public accessibility.
- 7.26 In general terms I am satisfied that the policy meets the basic conditions. Nevertheless, I recommend modifications that provide the necessary clarity for a planning policy and remove unnecessary supporting text from the policy itself.

**Replace the opening part of the policy with: 'Significant Local Views are identified on Maps 2A and 2B'.**

**In the second paragraph of the policy replace the first sentence with: 'Development proposals should respect the identified Significant Local Views'**

### Policy W3: Community-Led Renewable Energy Schemes

- 7.27 This policy sets out the Plan's approach to community-led renewable energy schemes. The supporting text comments about feedback from local people during the Plan making process.
- 7.28 The policy is supportive of such development. It identifies a series of environmental criteria that need to be considered in the development of development proposals.
- 7.29 In general terms the policy meets the basic conditions. However, I recommend a series of detailed modifications to ensure that it has the clarity needed for a development plan document

**Insert 'approach' between 'this' and 'is'**

**Replace 'possible' with 'practicable'**

**Insert 'are' before 'minimised'**

### Policy W4: Green and Blue Infrastructure in Willoughby

- 7.30 This policy provides a context for development that may have an impact on green and blue infrastructure in the neighbourhood area
- 7.31 The policy builds on the approach in the adopted Local Plan (Policy EN2). It also takes account of other local published studies. Map 3 helpfully shows the green and blue infrastructure in the neighbourhood area. The effect of Policy W4 is to protect the

existing infrastructure and to encourage new developments to enhance these networks. It has five related parts:

- requiring that new development should respect the existing infrastructure;
- requiring that new development should maintain existing networks within development sites;
- creating linkages between new development and existing green and blue infrastructure;
- the incorporation of mitigation measures within development; and
- the choice and use of planting and landscaping schemes.

7.32 The policy has been well-considered. I recommend a series of modifications to the wording used so that it has the clarity needed for a development plan policy. I also recommend the deletion of elements of supporting text from the policy. Otherwise it meets the basic conditions.

**In the opening part of the policy delete the second sentence.**

**In Part C of the policy replace ‘Opportunities should be taken’ with ‘Where appropriate new developments should incorporate opportunities’.**

**In part D of the policy insert at the beginning ‘Where it is appropriate and practicable to do so’**

**In part E of the policy replace ‘New planting...schemes’ with ‘Planting and landscaping schemes associated with new development’**

Policy W5: Reducing Flood Risk in Willoughby

7.33 This policy takes account of the location of the neighbourhood area within the floodplain of the River Leam. The supporting text at section 4.3 provides extensive detail on local flood risk issues.

7.34 The policy responds sensitively and appropriately to this context. It has three component parts as follows:

- the location of new development;
- drainage and runoff; and
- flood storage.

7.35 The policy addresses its range of issues in a robust and effective fashion. It has attracted support from the Environment Agency. I recommend a series of detailed modifications to its wording. In some cases, supporting text has been included in the policy which I recommend is deleted. However, the effect of the policy remains unchanged.

**In the opening part of the policy replace ‘by addressing the following’ with ‘Proposals for development should take account of the following principles’**

#### **In Location of New Development:**

- **In C delete the second sentence**

#### **In Drainage and Runoff:**

- **In F delete 'seek to'**
- **In F replace 'are expected' with 'should'**
- **In F replace 'a substantial reduction.... runoff rate' with 'an appropriate reduction in the existing runoff rate that relates to the particular circumstances of the site concerned'**
- **In F replace 'possible' with 'practicable'**
- **In G replace 'unless deemed inappropriate' with 'where such an approach is practicable'**

#### **In Flood Storage:**

- **In K delete the second sentence**
- **Replace L with 'Wherever it is practicable to do so development proposals should provide betterment on flood storage. Developments that would create space for water by restoring floodplains and contributing towards the delivery or improvement of Green and/or Blue Infrastructure will be supported'**

#### **Policy W6: Conserving and Enhancing Built Heritage Assets and their Settings**

- 7.36 This policy provides a policy context for built heritage assets. It is a particularly important policy given the nature of the village of Willoughby.
- 7.37 The supporting text in Section 4.4 is very comprehensive. It provides an exemplary context for the resulting policy. Appendix 3 provides a schedule of proposed non-designated heritage assets. The photographs and the descriptions of the properties continue the exemplary approach.
- 7.38 The policy identifies three principles which development proposals affecting the historic environment of the neighbourhood area should address. I recommend a series of detailed changes to the wording of the policy so that it can be applied by RBC in the wider development plan context. I also recommend the deletion of elements of the policy which are supporting text. However, I recommend that they become supporting text to provide a context for the policy itself. Otherwise it meets the basic conditions. In addition, it will contribute significantly to safeguarding the attractive built heritage of the neighbourhood area.

#### **In the opening part of the policy delete 'in Willoughby'**

**Replace 'Wherever possible.... addressed' with 'Wherever practicable and as relevant to the proposed development'**

**In B delete 'seek to' and replace 'put in place' with 'incorporate within the development'**

**In C delete ‘in areas...Willoughby Parish’ and replace ‘must’ with ‘should’**

**In C delete the final sentence.**

*At the end of paragraph 4.4.11 add: ‘The third part of the policy has been designed to ensure that development proposals which fall within areas recorded on the Warwickshire Historic Environmental Record in the neighbourhood area are properly prepared to safeguard the identified heritage. Where appropriate the Warwickshire Historic Environmental Record should be consulted at an early stage in the formulation of development proposals. [Insert link to the HER]’*

Policy W7: Encouraging High Quality and Sustainable Design

- 7.39 This policy sets out the Plan’s ambition for high quality design. The supporting text helpfully comments about relevant policies in the Local Plan. Paragraph 4.5.3 comments about the character and appearance of the village and some of its traditional vernacular buildings. The policy has three related components. The first sets out general principles, the second comments about sustainable development and the third comments about the need to respect local character.
- 7.40 The policy provides an excellent local response to the design initiative as included in the NPPF and a series of other national documents. Its implementation will assist significantly in achieving high quality and sustainable design in the neighbourhood area throughout the Plan period.
- 7.41 I recommend a series of detailed modifications to the wording of the policy. They will ensure that the policy has the clarity required by the NPPF. However, its overall approach remains unaffected. In particular the modifications acknowledge that proposed developments may not impact on all the aspects of the policy. As submitted the Plan is not explicit on this point. In addition, some elements of the policy include supporting text which explain the policy context rather than acting as policy in their own right.

**In the opening part of the policy replace ‘demonstrate how...design principles’ with ‘incorporate the following design principles as relevant to the site and its location’**

**In the General Principles:**

- **In A delete ‘Care must...ensure that building(s)’.**
- **In A replace ‘height, scale.... roofline, do’ with ‘The height, scale, roofline and form of any new buildings should’**
- **In C delete ‘be chosen to’**
- **In D replace ‘possible’ with ‘practicable’**
- **In D replace ‘the existing character’ with ‘their integrity and’**
- **In E replace ‘main’ with ‘principal’**
- **In F include ‘The’ at the beginning and replace ‘protected’ with ‘safeguarded’**

### **In the Sustainable Development section**

- **In H delete ‘also’**
- **In H replace ‘Such measures.... for instance’ with ‘As appropriate to the site concerned such measures should include’**
- **In I replace ‘acceptable’ with ‘supported’**
- **In J insert ‘Where practicable’ at the beginning**
- **In J delete ‘aim to’ and ‘where possible’**
- **In K insert ‘within the neighbourhood area’ at the end of the first sentence**

### **In the Respecting Local Character section:**

- **In M delete the first sentence**
- **In N replace ‘can be seen’ with ‘would be visible’**
- **In P replace ‘possible’ with ‘practicable’**
- **In P replace ‘may be acceptable...building design’ with ‘will be supported where they are appropriate to the design of the building concerned’**

### **Policy W8: Providing Suitable Homes**

- 7.42 This policy provides a context for the provision of new homes in the neighbourhood area. It has been prepared within the context of the position of Willoughby in the settlement hierarchy in the wider Borough.
- 7.43 It has three related parts as follows:
- proposals for infill development within the settlement boundary;
  - proposals that meet local housing need; and
  - proposed dwellings in the countryside
- 7.44 The first two parts of the policy are well-considered. The first offers appropriate support to infill proposals. The second part requires that new developments take account of local needs. It offers specific support to starter homes, homes for young families and small houses for older persons. Subject to detailed modifications to ensure that they have development plan clarity these elements of the policy meet the basic conditions.
- 7.45 The third part of the policy largely repeats national policy on dwellings in the countryside. As there is no need for a neighbourhood plan to repeat or to restate national policy, I recommend that it is deleted.

### **In the first part of the policy:**

- **In B replace ‘surrounding area’ with ‘immediate locality’**
- **In B replace ‘design policies in the NDP’ with ‘Policy W7 of this Plan’**
- **In C delete ‘demonstrates that proposals’**
- **In C delete the final sentence**
- **In D insert ‘which is well-connected where practicable,’ after ‘provided’**
- **In E delete ‘and suitable....in the village’**

**In the second part of the policy:**

- **In the initial part of the policy replace ‘will be.... that they’ with ‘should’**
- **At the beginning of the following section replace ‘The following.... encouraged’ with ‘The following house types will be particularly supported’**

**Delete the third part of the policy**

Policy W9: Supporting Home Working and Small Businesses

- 7.46 This policy offers support to small business appropriate to the rural nature of the neighbourhood area. In addition, it supports the development of home working.
- 7.47 The supporting text provides helpful background to the community’s views on this matter and the benefits to local residents of having business opportunities available locally. Paragraph 4.7.6 identifies that not all proposals for home working will need planning permission. I recommend that the policy reflects this issue.
- 7.48 In addition I recommend a series of detailed word changes to the policy. Otherwise it is well-considered and meets the basic conditions.

**In the opening part of the policy After ‘homeworking’ add ‘insofar as planning permission is required’ and replace ‘will be supported where’ with ‘should respond positively to the following matters’**

**In A delete ‘Development.... rural buildings and,’**

**In B replace ‘Development’ with ‘Proposed development’**

**Replace C with: ‘Proposals incorporate appropriate mitigation measures to minimise any adverse impacts on the capacity of relevant local infrastructure on local residential amenity in terms of noise, disturbance, capacity of the road network, highway safety, odour and any other environmental contamination.’**

**In D replace ‘Adequate car parking’ with ‘Car parking to development plan standards’**

Policy W10: Community and Recreational Facilities

- 7.49 This policy has two related parts. The first identifies existing community and recreational facilities and sets out a policy approach to safeguard them in the Plan period. The second part offers support to the development of new facilities or for the improvement of existing facilities.
- 7.50 I looked at the various identified community facilities as part of my visit. I saw their importance to the local community. In particular I saw the concentration of facilities in Main Street based on the Village Hall, The Rose Inn and the playing field.
- 7.51 The policy is well-considered. I recommend a series of detailed word changes to ensure that it has the clarity required by the NPPF. Otherwise it meets the basic conditions.

**In the first part of the policy replace the opening section with:**

**‘The following local facilities in Willoughby (as identified on Map 8) are identified as existing community and recreational facilities’**

**In the section of the policy after the schedule of facilities replace its initial part with:**

**‘Proposals for the use or the redevelopment of the existing community and recreational facilities for health, education or other community uses will be supported. Proposals for the change of use of the existing community and recreational facilities to other uses will not be supported unless either of the following circumstances can be demonstrated:’**

**In Part B delete ‘to the satisfaction.... Borough Council’**

**In the second part of the policy replace ‘Development which’ with ‘Development proposals which would’**

**In 2 replace ‘Adopt’ with ‘Incorporate’**

Other matters

- 7.52 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for RBC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Willoughby Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report I recommend to Rugby Borough Council that subject to the incorporation of the modifications set out in this report that the Willoughby Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by Rugby Borough Council on 5 October 2017.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

**Andrew Ashcroft**  
**Independent Examiner**  
**10 September 2019**



## Appendix 2 - List of Modifications as Recommended by the Examiner

Policy	Page (Submission Version)	Page (Referendum Version)	Modification
W1	22	22	In the second part of the policy add the following after 'principles': 'where they are applicable to the site concerned'
W1	22	22	In A replace 'acceptable' with 'supported' and delete 'or fall under permitted development'
W1	22	22	In C replace 'is' with 'will be'
W1	22	22	In D replace 'Steps should be taken to' with 'Development proposals should'
W1	22	22	In E replace 'will be strongly resisted' with 'will not be supported'
W1	22	22	Delete Principle F (and alter the sequencing in the remainder of the policy accordingly).
W1	22	22	In G after 'appropriate' add 'to their setting, be'
W1	22	22	In H delete 'aim to' and add at the end 'wherever it is practicable to do so'
W1	23	23	As a free-standing paragraph at the end of the policy add: 'Development proposals should be designed and located to ensure that Willoughby village remains as a distinctive settlement in its wider agricultural hinterland'
W2	27	27	Replace the opening part of the policy with: 'Significant Local Views are identified on Maps 2A and 2B'.
W2	27	27	In the second paragraph of the policy replace the first sentence with: 'Development proposals should respect the identified Significant Local Views'
W3	28	28	Insert 'approach' between 'this' and 'is'
W3	28	28	Replace 'possible' with 'practicable'
W3	28	28	Insert 'are' before 'minimised'
W4	32	32	In the opening part of the policy delete the second sentence.
W4	32	32	In Part C of the policy replace 'Opportunities should be taken' with 'Where appropriate new developments should incorporate opportunities'.
W4	32	32	In part D of the policy insert at the beginning 'Where it is appropriate and practicable to do so'
W4	32	32	In part E of the policy replace 'New planting...schemes' with 'Planting and landscaping schemes associated with new development'
W5	36	36	In the opening part of the policy replace 'by addressing the following' with 'Proposals for development should take account of the following principles'
W5	36	36	In Location of New Development:
			<ul style="list-style-type: none"> <li>In C delete the second sentence</li> </ul>
W5	37	37	In Drainage and Runoff:
			<ul style="list-style-type: none"> <li>In F delete 'seek to'</li> </ul>
			<ul style="list-style-type: none"> <li>In F replace 'are expected' with 'should'</li> </ul>

			<ul style="list-style-type: none"> <li>In F replace 'a substantial reduction.... runoff rate' with 'an appropriate reduction in the existing runoff rate that relates to the particular circumstances of the site concerned'</li> </ul>
			<ul style="list-style-type: none"> <li>In F replace 'possible' with 'practicable'</li> </ul>
			<ul style="list-style-type: none"> <li>In G replace 'unless deemed inappropriate' with 'where such an approach is practicable'</li> </ul>
W5	37	37	In Flood Storage:
			<ul style="list-style-type: none"> <li>In K delete the second sentence</li> </ul>
			<ul style="list-style-type: none"> <li>Replace L with 'Wherever it is practicable to do so development proposals should provide betterment on flood storage. Developments that would create space for water by restoring floodplains and contributing towards the delivery or improvement of Green and/or Blue Infrastructure will be supported'</li> </ul>
W6	42	42	In the opening part of the policy delete 'in Willoughby'
W6	42	42	Replace 'Wherever possible.... addressed' with 'Wherever practicable and as relevant to the proposed development'
W6	42	42	In B delete 'seek to' and replace 'put in place' with 'incorporate within the development'
W6	42	42	In C delete 'in areas...Willoughby Parish' and replace 'must' with 'should'
W6	42	42	In C delete the final sentence.
W7	45	45	In the opening part of the policy replace 'demonstrate how...design principles' with 'incorporate the following design principles as relevant to the site and its location'
W7	45	45	In the General Principles:
			<ul style="list-style-type: none"> <li>In A delete 'Care must...ensure that building(s)'. <ul style="list-style-type: none"> <li>In A replace 'height, scale.... roofline, do' with 'The height, scale, roofline and form of any new buildings should'</li> </ul> </li> </ul>
			<ul style="list-style-type: none"> <li>In C delete 'be chosen to'</li> </ul>
			<ul style="list-style-type: none"> <li>In D replace 'possible' with 'practicable'</li> </ul>
			<ul style="list-style-type: none"> <li>In D replace 'the existing character' with 'their integrity and'</li> </ul>
			<ul style="list-style-type: none"> <li>In E replace 'main' with 'principal'</li> </ul>
W7	45	45	In F include 'The' at the beginning and replace 'protected' with 'safeguarded'
W7	45	45	In the Sustainable Development section
			<ul style="list-style-type: none"> <li>In H delete 'also'</li> </ul>
			<ul style="list-style-type: none"> <li>In H replace 'Such measures.... for instance' with 'As appropriate to the site concerned such measures should include'</li> </ul>
			<ul style="list-style-type: none"> <li>In I replace 'acceptable' with 'supported'</li> </ul>
			<ul style="list-style-type: none"> <li>In J insert 'Where practicable' at the beginning</li> </ul>
			<ul style="list-style-type: none"> <li>In J delete 'aim to' and 'where possible'</li> </ul>
			<ul style="list-style-type: none"> <li>In K insert 'within the neighbourhood area' at the end of the first sentence</li> </ul>
W7	46	46	In the Respecting Local Character section:
			<ul style="list-style-type: none"> <li>In M delete the first sentence</li> </ul>
			<ul style="list-style-type: none"> <li>In N replace 'can be seen' with 'would be visible'</li> </ul>

			<ul style="list-style-type: none"> <li>In P replace 'possible' with 'practicable'</li> </ul>
			<ul style="list-style-type: none"> <li>In P replace 'may be acceptable...building design' with 'will be supported where they are appropriate to the design of the building concerned'</li> </ul>
W8	52	52	In the first part of the policy:
			<ul style="list-style-type: none"> <li>In B replace 'surrounding area' with 'immediate locality'</li> </ul>
			<ul style="list-style-type: none"> <li>In B replace 'design policies in the NDP' with 'Policy W7 of this Plan'</li> </ul>
			<ul style="list-style-type: none"> <li>In C delete 'demonstrates that proposals'</li> </ul>
			<ul style="list-style-type: none"> <li>In C delete the final sentence</li> </ul>
			<ul style="list-style-type: none"> <li>In D insert 'which is well-connected where practicable,' after 'provided'</li> </ul>
	52	52	In E delete 'and suitable....in the village'
	52	52	In the second part of the policy:
			<ul style="list-style-type: none"> <li>In the initial part of the policy replace 'will be.... that they' with 'should'</li> </ul>
			At the beginning of the following section replace 'The following.... encouraged' with 'The following house types will be particularly supported'
W8	53	53	Delete the third part of the policy
W9	55	55	In the opening part of the policy After 'homeworking' add 'insofar as planning permission is required' and replace 'will be supported where' with 'should respond positively to the following matters'
W9	55	55	In A delete 'Development.... rural buildings and,'
W9	55	55	In B replace 'Development' with 'Proposed development'
W9	55	55	Replace C with: 'Proposals incorporate appropriate mitigation measures to minimise any adverse impacts on the capacity of relevant local infrastructure on local residential amenity in terms of noise, disturbance, capacity of the road network, highway safety, odour and any other environmental contamination.'
W9	55	55	In D replace 'Adequate car parking' with 'Car parking to development plan standards'
W10	60	60	In the first part of the policy replace the opening section with:
			'The following local facilities in Willoughby (as identified on Map 8) are identified as existing community and recreational facilities'
W10	61	61	In the section of the policy after the schedule of facilities replace its initial part with:
W10	61	61	'Proposals for the use or the redevelopment of the existing community and recreational facilities for health, education or other community uses will be supported. Proposals for the change of use of the existing community and recreational facilities to other uses will not be supported unless either of the following circumstances can be demonstrated:'
W10	61	61	In Part B delete 'to the satisfaction.... Borough Council'
W10	61	61	In the second part of the policy replace 'Development which' with 'Development proposals which would'
W10	61	61	In 2 replace 'Adopt' with 'Incorporate'

***And Modification of general text (where necessary) to achieve consistency with the modified policies.***

### **Appendix 3 - Summary of Consultation Responses**

<b>Respondent</b>	<b>Comment</b>
The Coal Authority	No specific comments to make
Environment Agency	Note submission of a flood risk report. Welcome changes to the plan specifically W4 and W5 relating to flood risk and blue and green infrastructure. Are of opinion that the Neighbourhood Plan meets the requirements of the Basic Conditions. Suggest amendment to paragraph 4.3 and Policy W5 part A. Recommend reference to flood risk standing advice. Encourage early discussions with the environment agency prior to detailed design proposals.
Gladmans Development Limited	Requirements of national policy are not fully reflected in the plan. Recommend a number of modifications to policies W1, W2, W7 and W8 to ensure compliance with basic conditions.
Highways England	Do not consider there will be any material impacts on the operation of the A5 or M45. No further comments.
Historic England	Extremely supportive of both the content of the document and its vision and objectives.
Resident 1	Strong support., in particular focus on surrounding landscape in terms of its heritage and nature value.
Resident 2	Thank you for this information
Resident 3	Support plan. Member of steering committee
Wood on behalf of National Grid	An assessment of electricity and gas transmission apparatus has been carried out. National Grid has identified it has no record of such apparatus within the Neighbourhood Plan area.
Natural England	No specific comments.
Network Rail	No comments to make.
Severn Trent	Supportive of plan and no further comments to make.
Warwickshire County Council	Welcomes communities proposing neighbourhood plans. Cannot commit financial implications from proposals emanating from neighbourhood plans. Minor suggestions relating to flood risk.



# **Willoughby**

# **Neighbourhood Development Plan**

## **2019 - 2031**

## **Referendum Plan**

Willoughby NDP Steering Group on behalf of  
the Parish Council

September 2019

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## Referendum NDP

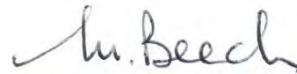
Welcome to the Referendum version of the Willoughby Neighbourhood Development Plan (NDP).

The NDP was examined by an independent examiner in August 2019 and the examiner's report was published on 10 September 2019. The examiner concluded that, subject to a series of modifications set out in his report, the Willoughby Neighbourhood Development Plan should proceed to referendum.

This version of the NDP incorporates the examiner's recommended modifications to the Submission NDP.



Chair of Parish Council



Chair of Steering Group

## Acknowledgements

Willoughby Parish Council would like to thank the members of the Steering Group for their dedication and hard work in formulating and gathering all the information required to put the Neighbourhood Development Plan together. The group consisted of Maggie Beech, Mike Thomas, Brian Hall, Steve Palmer, James Rowley and Ken Miles. Without all their effort and the input from Willoughby residents this would not have been possible.

The Steering Group would like to thank all the following people for their support and significant contribution to producing the Willoughby Neighbourhood Development Plan.

- Everyone who has taken the time to respond to the consultations and to give us their thoughts on how we might improve each version of the plan so that it truly reflects the community's views on future development in Willoughby Parish.
- All the residents who shared information about their historic houses and daily life in the village and helped to make the plan interesting for local people.
- Richard Jackson for his meticulous work on the historic landscape and maps and for reviewing and improving the appendix on non-designated heritage assets.
- Bert Ogle for his detailed and interesting report on flood risk in Willoughby Parish.
- Alan Belgrove for his beautiful photographs of local buildings and views.
- Ed Beech for his unfailing IT support and production of maps to show locations of buildings, green and blue infrastructure and significant views.
- Helen Caton Hughes for her interesting ideas and for creating the online questionnaires for the first two consultations.
- Everyone who helped with delivering leaflets and with setting up displays, welcoming people and providing refreshments at the Neighbourhood Plan Open Days.
- Beryl Hallam, Audrey Mitchell and Alan and Linda Belgrove for trialling our first questionnaire and providing valuable feedback on how we might improve it.
- Everyone at B Beautiful for hosting the special Neighbourhood Plan post box during two consultations.
- Louise Kirkup of Kirkwells Town Planning Consultants for her clear guidance, prompt responses to many questions and partnership approach to writing the various plans.
- Sophie Leaning, Senior Planner at Rugby Borough Council, for her support and time in reviewing versions of the plan and for providing helpful additions and amendments.
- Willoughby Parish Council for initiating and sponsoring the process which enabled the development of this Plan.
- Locality for providing the grants that have funded the work so far.

## 1.0 What is a Neighbourhood Development Plan?

**Neighbourhood Development Plans (NDPs) are a new type of planning policy document, prepared by parish councils and other bodies to guide new development within a defined area, such as a parish. They are used alongside local authority (here, Rugby Borough Council) and national planning policy documents, to help determine planning applications.**

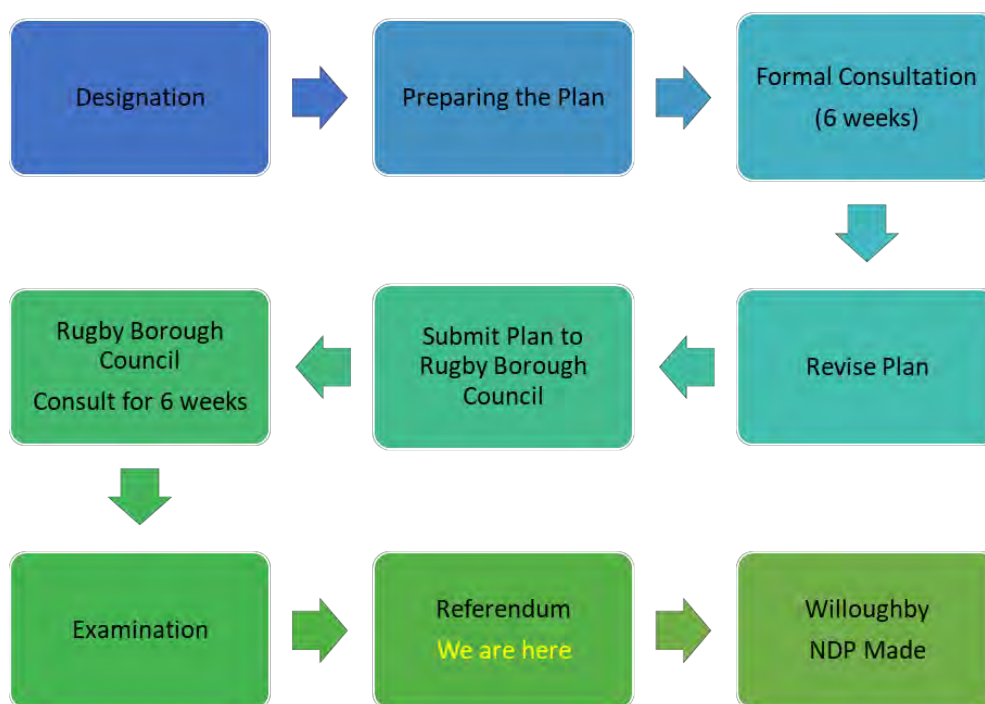
**NDPs are important planning documents and give local people the opportunity to have a real say in how, and where, development should happen within their local area. They can provide the local detail to add value to the higher level, more strategic policies as set out in the adopted Rugby Borough Council Local Plan 2011-2031.**

- 1.1 Neighbourhood Development Plans (NDPs) were introduced through the Localism Act 2011 to give local people a greater say in planning decisions that affect their area. NDPs are neighbourhood level planning policy documents with policies designed to reflect the needs and priorities of local communities.
- 1.2 NDPs can identify where development should take place, set out local design principles so that buildings respond positively to local character, and protect important facilities, historic buildings, the natural environment and open spaces. They are an important part of our planning system because planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Made (adopted) NDPs are part of the local statutory development plan for their area.
- 1.3 A Neighbourhood Development Plan (NDP) can cover a range of planning related issues or just have one, single policy. This document has been prepared building on the informal public consultation on Issues and Options which was undertaken from 7 May to 3 June 2018, the informal public consultation on the First Draft Plan which took place from 8 October to 4 November 2018, and the formal Regulation 14 public consultation which took place from 21 January to 10 March 2019.
- 1.4 The Issues and Options document set out a proposed draft vision and objectives for the NDP and asked residents about a range of planning issues and potential policies for addressing these issues. The First Draft Plan provided more detail in terms of background and supporting evidence and set out wording for ten draft planning policies. All local residents and stakeholders were invited to comment and their responses informed the Draft Willoughby NDP. The Draft NDP was published for consultation with statutory and voluntary organisations as well as local residents, businesses and landowners. The representations received led to some further

revisions of the plan to produce the Submission NDP. The Neighbourhood Development Plan and its policies should be read as a whole. Proposals will be assessed against all relevant policies.

- 1.5 It is important to remember that NDPs cannot be prepared in isolation. They have to be 'in general conformity' with local strategic planning policies - in this case, the adopted Rugby Borough Council Local Plan 2011 - 2031.
- 1.6 NDPs must also have regard to national planning policy - the revised National Planning Policy Framework (2019)<sup>1</sup> and other guidance and statements.
- 1.7 All the Neighbourhood Development Plan planning policies have to be underpinned by a clear and robust evidence base of local opinion and technical resources and, overall, the Plan has to meet a set of 'basic conditions' set out in national guidance.
- 1.8 Preparing an NDP is a complex and lengthy process. This is set out in Figure 1 below.

**Figure 1: Neighbourhood Development Plan Process**



- 1.9 This is the Referendum version of the NDP. The NDP will be taken to Rugby Borough Council's Cabinet for approval to make the Plan subject to the outcome of the Referendum. If the outcome of the Referendum is a majority Yes vote (50% of turnout

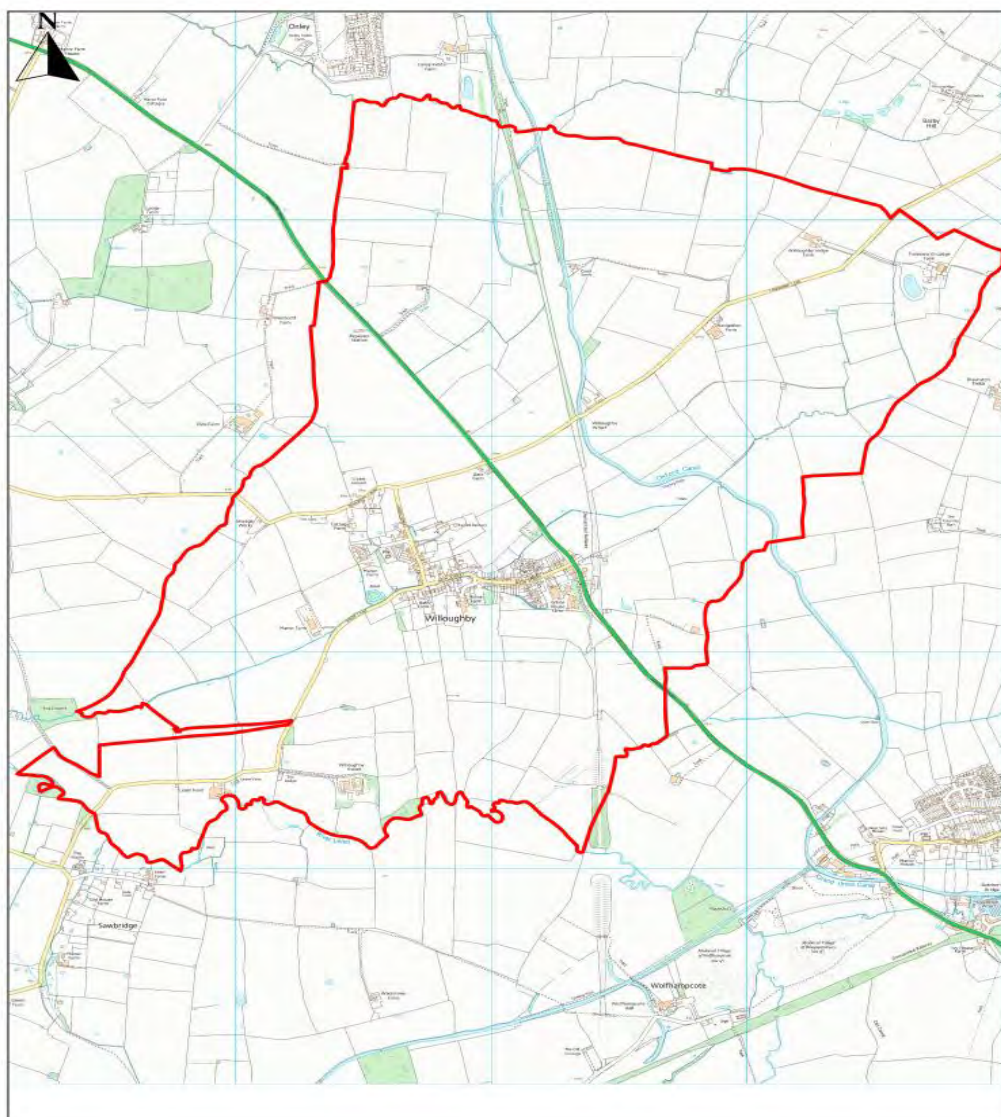
<sup>1</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

+ 1), the Plan will be made by Rugby Borough Council and used to help determine planning applications alongside Rugby's planning policies and national policy.

- 1.10 There are therefore several stages of public consultation and engagement throughout the process and the Neighbourhood Plan can only be made if, at the very end, local people support it.
- 1.11 We hope to have a Plan in place by the end of 2019.

## 2.0 A Neighbourhood Development Plan for Willoughby

**Map 1: Willoughby Neighbourhood Plan Area**



- 2.1 Willoughby Parish Council decided to prepare a Neighbourhood Development Plan (NDP) for Willoughby Parish in August 2017 following a survey of residents in which the majority of respondents indicated they wanted an NDP.
- 2.2 The Parish Council applied to Rugby Borough Council for designation of the Parish as a 'Neighbourhood Area' and this was approved on 5 October 2017. The designated Neighbourhood Area is the same area as the Parish and is shown in Map 1 above.
- 2.3 The period covered by the Neighbourhood Plan is from 2019 to 2031. This corresponds to the final twelve years of the plan period for the adopted Rugby Borough Council Local Plan 2011 - 2031 and allows our Neighbourhood Plan to use the same evidence base as that plan.

- 2.4 A Steering Group of interested local residents and a parish councillor was set up in November 2017 to oversee the preparation of the Plan on behalf of the Parish Council.
- 2.5 Willoughby Parish Council has carried out two major surveys with local residents in the past seven years. The first survey took place in September 2012 and informed the Parish Plan which was compiled in 2013 and updated in July 2015. The second survey took place in August 2014 and was preceded by a housing survey carried out by Midlands Rural Housing in June 2014. This information underpinned the Village Design Statement which was approved and adopted by Rugby Borough Council in August 2016 and which is used by the Parish Council to help determine whether they should accept or object to planning applications submitted for the Parish.
- 2.6 The three surveys provided a great deal of information about the village and the views of the Willoughby community at the time. They covered the following areas:
- Surrounding Landscape
  - Built Environment
  - Housing and Planning
  - Community Facilities and Services
  - Traffic and Transport
- 2.7 It is important to note that the Parish Plan and the Village Design Statement considered both planning and non-planning matters. Many of the non-planning matters remain relevant and important to local residents but these cannot be addressed through the NDP, which is a planning policy document. However, the Parish Council is committed to tackling any non-planning issues wherever possible through other actions and processes.
- 2.8 The Steering Group considered the information in the Parish Plan and the Village Design Statement and these, together with their own considerable local knowledge, were used to prepare an Issues and Options document with the support of professional town planning consultants, Kirkwells. All information related to the NDP was provided on the Neighbourhood Plan pages of the Parish Council website <https://www.willoughbyparishcouncil.org/neighbourhood-plan> .
- 2.9 The Issues and Options full document was published for consultation with local residents and stakeholders from 7 May to 3 June 2018. A copy of the Summary Report and Questionnaire was delivered to all households in the parish and either delivered or posted to non-resident stakeholders. Consultees were also invited to complete the questionnaire online using <https://www.surveymonkey.co.uk/r/WilloughbyNDP> .
- 2.10 An initial Neighbourhood Development Plan Day was held on Wednesday, 16 May at the village hall. Residents were invited to come along and find out more about the NDP and receive help and support with the questionnaire, if required.

- 2.11 In total, 202 paper questionnaires were distributed and 112 completed forms were returned (54 online and 58 on paper). In addition, Historic England and Natural England provided supportive comments. A report setting out the consultation responses is provided on the NDP website<sup>2</sup>.
- 2.12 The First Draft NDP was prepared taking into careful consideration the responses to the Issues and Options. In addition, the Steering Group undertook a significant amount of further detailed research over the summer of 2018 to provide more detail for many of the policies and a sound evidence base. This information was incorporated where possible into the supporting text and appendices of the First Draft NDP. A detailed flood risk report was prepared and can be viewed and downloaded from the NDP website.
- 2.13 The First Draft Plan was published for informal public consultation from 8 October to 4 November 2018. All local residents and stakeholders were invited to consider the First Draft Plan document and to provide their comments and ideas.
- 2.14 In addition to the full version of the First Draft Plan, a summary document was prepared for the consultation. Stakeholders were invited to take part in the consultation on the First Draft Plan in several ways including:
- Completing the questionnaire online at <https://www.surveymonkey.co.uk/r/WilloughbyNDP2>
  - By returning the paper questionnaire delivered to all households to:
    - Church View, Lower Street,
    - B Beautiful, Lower Street
    - 16 Main Street
  - Attending the second Neighbourhood Development Plan Day on Wednesday 17 October 2018 from 4.00pm to 8.00pm at the village hall.
- 2.15 A detailed report<sup>3</sup> setting out the responses to the First Draft Plan and how the representations influenced changes to the next version of the Draft Willoughby NDP is provided on the NDP website. Overall 94.34% of respondents (104) were 'generally supportive' of the First Draft Plan and there were a number of comments complimenting the NDP and noting the hard work and commitment of the Steering Group.
- 2.16 The Draft NDP was published for formal public consultation (Regulation 14) for 7 weeks from 21 January 2019 until 10 March 2019. A letter and representation form were delivered to all households and stakeholders in the parish and emails / letters

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<sup>2</sup> WILLOUGHBY ISSUES & OPTIONS - CONSULTATION Responses and Revisions (July 2018)

<sup>3</sup> WILLOUGHBY FIRST DRAFT PLAN - CONSULTATION Responses and Revisions (November 2018)



were sent out to consultation bodies and other stakeholders. The Draft NDP and supporting documents were placed on the website with formal notification of the Regulation 14 consultation process. The Parish Council welcomed comments using the online representation form, by email or in writing.

- 2.17 Full details about the consultation process, the submitted responses and how these were used to inform the Submission Plan are provided in the accompanying Consultation Statement and Response Tables. Overall there were many supportive comments and a number of suggestions for minor wording changes to policies and supporting text in the NDP. The most significant revision was to incorporate a more robust flood risk policy (Policy W5) which was prepared following detailed advice from the Environment Agency, Severn Trent and Warwickshire County Council.
- 2.18 The Willoughby Neighbourhood Development Plan was submitted to Rugby Borough Council on 16 May 2019.
- 2.19 The Submitted NDP was published for consultation by Rugby Borough Council for 6 weeks until 6 August 2019. A number of representations were submitted by various individuals and organisations and these were considered by the examiner during the examination process.
- 2.20 The examination of the NDP was undertaken in August 2019 and the examiner's final report was published on 10 September 2019. The report set out that, subject to a series of recommended modifications, the Willoughby Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum. The examiner recommended that the referendum should be held within the neighbourhood area.

### 3.0 Vision and Objectives

- 3.1 A Neighbourhood Development Plan is required to have a vision and a clear set of objectives. The planning policies should then be designed to meet the identified objectives.
- 3.2 In the consultation on Issues and Options 94.64% of respondents (106 responses) agreed with the Draft Vision and 2.68% (3 responses) disagreed. There were a number of detailed comments which were considered and used to revise the wording in the First Draft Plan.
- 3.3 In the consultation on the First Draft Plan, 96.3% of respondents (104) supported the Draft Vision, and 3.7% of respondents (4) did not support the Vision. There were also some suggestions for amending the Vision and these have been considered and used to inform the final version of the Vision below.

#### VISION

**The attractive rural character of Willoughby village and the surrounding area will be retained and enhanced. Development will take place in a gradual, proportionate and sustainable way to primarily meet the needs of local people who live in or have a connection to the parish and to support local services and facilities.**

- 3.4 The responses to the Issues and Options consultation also demonstrated a high level of support for the Draft Objectives, with 94.64% of respondents (106 responses) supporting them and 2.68% (3) disagreeing. Again, detailed comments and suggestions were considered and used to inform revisions to the draft objectives.
- 3.5 There was also strong support for the Draft Objectives in the consultation on the First Draft Plan. 97.22% of respondents (105) supported the Objectives and only 0.93% of respondents (1) did not support them. There were several comments suggesting changes. Objective 1 was amended slightly in response to suggestions about the need to refer to wildlife.

#### OBJECTIVES

**Objective 1: To ensure that the rural landscape character and biodiversity of the parish is protected and enhanced.**

New development should be sustainable and should not detract from the character of the existing structures and landscape or impact adversely on local habitats and wildlife. Landscaping schemes should be designed sensitively taking into account the distinctive character of the historic agricultural landscape and the surrounding countryside.

(This will be progressed through NDP policies W1, W2, W3 and W4)

**Objective 2: To conserve and enhance the built heritage assets in the parish.**

New development should be designed to conserve and, where possible, to enhance designated and non-designated built heritage assets and their settings.

(This will be progressed through NDP Policy W6)

**Objective 3: To encourage high quality and sustainable design.**

New development should demonstrate high quality, inclusive and sustainable design and should positively contribute to the character and appearance of the area in which it is sited.

(This will be progressed through NDP Policies W4, W5 and W7)

**Objective 4: To provide a positive planning framework to guide the development of new homes within the parish.**

The development of new homes should respond positively to local needs. The scale, location, size and type of any new homes should be sensitive to the rural area and take into consideration the distinctive character of existing buildings.

(This will be progressed through NDP Policy W8)

**Objective 5: To support home working and small businesses.**

New businesses in the parish will be supported to help ensure Willoughby develops and prospers. New businesses should be suitable for the countryside location and minimise any adverse impacts on local residential amenity. New businesses which enable agricultural diversification and rural enterprise will generally be supported.

(This will be progressed through NDP Policy W9)

**Objective 6: To protect and improve local services and community and recreational facilities.**

Willoughby's existing facilities will be protected and proposals for new facilities and services will be encouraged.

(This will be progressed through NDP Policy W10)

## 4.0 NDP Planning Policies



**Entry to the village along Moor Lane**

### 4.1 Introduction

- 4.1.1 Willoughby Parish is a small rural parish to the south-east of Rugby located between Dunchurch and Daventry in the Leam Valley. Much of the parish is on the valley floor but to the east beyond the A45 part of the land rises gently towards the Northamptonshire village of Barby which is located upon a ridge of higher ground. The A45 runs through the middle of the parish with the Oxford Canal running roughly parallel a little further east. The village of Willoughby is bordered to the east by the A45 and is surrounded by farmland, much of which is ancient ridge and furrow. In 2011, the population in the parish was 398 (Census, 2011).
- 4.1.2 This is a very rural area with a distinctive landscape character. The built character of the village is a mixture of smaller houses and bungalows as well as larger properties. These dwellings range from much older houses, one built in the 17<sup>th</sup> century, to some houses built recently. Most houses are orientated to front the road and gable ends facing the road are uncommon. Many of the houses are set back from the road and sited within large, narrow plots which extend to the rear and provide open views to the open countryside beyond. The village has a linear layout of single plots either side of the through roads with four 'offshoot roads' where new housing development has taken place over the years. The distinctive 'valley floor' character of the village is

enhanced by meandering street-side swales (ditches) and vegetation that provide linking green corridors through the settlement.

- 4.1.3 The gradual growth of the village over the years has led to a built environment that is generally harmonious and in keeping with the surrounding landscape. In the wider parish there are a number of substantial farm houses and some more modest dwellings.
- 4.1.4 The Neighbourhood Development Plan provides an opportunity to aim for high quality in new development to ensure that change is integrated successfully and that our environment is protected and enhanced.

## 4.2 Protecting and Enhancing our Rural Landscape



**View over open countryside in Willoughby Parish**

- 4.2.1 Willoughby village is set within a distinctive rural landscape. In the survey for the Village Design Statement, 99% of villagers agreed that it was important to retain the green area around Willoughby to keep it as a separate entity. The vast majority of respondents (91%) thought that the agricultural land surrounding the village which provides employment, important local character and views with pasture land, arable crops, copses and hedgerows should be preserved at all costs. Almost everyone said that all public footpaths and bridleways should be maintained and around 85% believed that the views towards Barby, Braunston and Dunchurch should be preserved.

### **Local Landscape Character**

- 4.2.2 The landscape character of Willoughby Parish is described in the 'Landscape Assessment of the Borough of Rugby Sensitivity and Condition Study' (April 2006)<sup>4</sup>. Most of the Parish lies within the Feldon, Vale Farmlands landscape character type (LCT). This LCT is described as:

*'an area of broad, flat, low-lying clay vales with few roads or settlements. It is characterised by a largely intact pattern of medium to large-sized geometric fields, bounded by hawthorn hedges. Tree cover of any kind is sparse, allowing wide views to rising ground and giving a strong impression of sky and space. Despite a significant*

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<sup>4</sup> <https://apps.warwickshire.gov.uk/api/documents/WCCC-688-147>

*move towards arable production in recent years, extensive areas of permanent pasture still remain a feature of this landscape, together with well-preserved areas of ridge and furrow. Deserted medieval villages have also survived in places. Villages are typically few and far between, often consisting of small, straggling clusters of farmsteads and dwellings. Most are situated around a cross-road, and many are well off the beaten track. Roads are often single track, with wide grass verges, bounded by a ditch and thick hedge.'*

- 4.2.3 The north-eastern part of the Parish rises to an area of Feldon, Ironstone Fringe landscape character type. This LCT is described as: *'a remote rural landscape associated with a raised Lower Lias tableland which occurs along the fringe of the Ironstone Wolds, (a hilly region in the western part of adjoining Northamptonshire). It has a large scale, gently rolling topography, punctuated in places by prominent ironstone hills. There are few roads or settlements, and sometimes there are extensive areas of empty countryside, often associated with deserted medieval villages.*

*Large, isolated manor farmsteads are a feature of this area, together with small, strongly nucleated ironstone villages often situated on rising ground. It is characterised by a large, strongly hedged field pattern, which creates a relatively strong sense of enclosure in an otherwise rather open, intensively farmed landscape with sparse tree cover. Extensive areas of permanent pasture were a characteristic feature of the Ironstone Fringe until relatively recently, much having been ploughed up. Where pockets of pasture still remain, well-preserved ridge and furrow is often a special feature. Roadside verges are typically wide and bounded by tall, thick hedgerows and on steep hillsides, semi-natural grassland may sometimes be found.'*



**Examples of Ridge and Furrow from Moor Lane**

- 4.2.4 The remaining areas of ridge and furrow landscape are of national importance and should be protected from development, as should the pasture and arable fields of the former enclosures. In English Heritage's Advice Report, 2011<sup>5</sup>, which assessed the moated site and an area of ridge and furrow for scheduling, it is noted that the

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<sup>5</sup> See NDP Additional Evidence on NDP website: English Heritage Advice Report, 23 September 2011, Case Name: Moated Site 118, S of Manor Farm House and an area of ridge and furrow known as Big Grounds, Willoughby

moated site and ridge and furrow are parts of the same medieval landscape of Willoughby. The report goes on to explain that *'it is evident that the entire landscape of ridge and furrow surrounding the modern village of Willoughby is of national importance by virtue of its extent and the proportion of the medieval area under plough which it represents'*. The setting of these heritage assets is also significant and, if development surrounds and encloses these areas, their value would be significantly limited.

### **Landscape: The Historical Context**

- 4.2.5 The settlement of Willoughby is an ancient one with 5 entries in the Domesday Book of 1087 which reported ownership and use of land at the time of the Norman conquest. The name is old Norse for willow farm suggesting it may have been a border settlement between the Danelaw and Anglo-Saxon Mercia. One of the five Domesday holdings had occupiers with Norse names, possibly raiders who settled.
- 4.2.6 Perhaps the most significant event, in terms of the development of the village, was the grant in the 1100s by Henry I to Wigan the Marshal of various tranches of land including a substantial proportion of our parish. Eventually in the 1200s, the last member of Wigan's family dying childless, this holding was given to the Hospital of St. John the Baptist without the East Gate Oxford (the Hospital). This was a kind of ecclesiastical hotel providing accommodation for travellers and sometimes the destitute. The Hospital also received numerous other gifts of interests in land (shares of rent, use of land etc) and bought land in the parish.
- 4.2.7 In 1458 William Waynflete, Bishop of Winchester and Lord Chancellor, founded Magdalen College and persuaded the King, Henry VI, to endow it with the former estates of The Hospital including its land in Willoughby. The College were the largest land owners until they sold the estate, mostly to sitting tenants, in the 1950s.
- 4.2.8 Until the 19<sup>th</sup> century the College leased the entire estate to a single lessee who became the College's agent. Their lease required them to accommodate the President and an attendant twice a year when he would hold a Manorial Court and deal with estate business. In later years the College let individual farms and properties and managed them from Oxford. Over the years the College bought and sold land gradually increasing the size of the estate. The College's ownership of a large slice of the parish has led to an extensive and fascinating archive of documents and court records stretching back to 1230.
- 4.2.9 Farming practices changed markedly after the enclosure scheme in 1760. Prior to this a large proportion of the land was ploughed. It is clear that land was ploughed before Domesday which recorded that all 5 holdings had ploughed land. Later, the land was farmed on the Medieval Open Field system until enclosure with a considerable amount of land under plough creating the distinctive ridge and furrow profile. After enclosure, farming practice changed and much of the land went to pasture and has remained so. Hence the distinctive ridge and furrow visible across the Parish today. See Maps 9 and 10 in Appendix 1.



- 4.2.10 A further impact of enclosure was that the new owners were required to plant hedges and dig drainage ditches to enclose their allotted land. Most of these hedges remain today to the benefit of wildlife. See Map 11 in Appendix 1. The change in agricultural practice after enclosure, i.e. rearing stock rather than growing crops, resulted in a significant reduction in the number of workers on the land and, as mechanisation took hold, many of the traditional support services gradually disappeared e.g. wheelwright, blacksmith.

### **Loss of our National Landscape Legacy**

- 4.2.11 Between 1995 and 1999, Northamptonshire County Council and English Heritage commissioned research into the survival of medieval open fields in the East Midlands. This work was extended into the West Midlands including Warwickshire. The results of the research have been published in a 2001 report: 'Turning the Plough. Midland Open Fields: Landscape Character and Proposals for Management'. This confirmed that the loss of these ridge and furrow landscapes across the Midlands was extreme.
- 4.2.12 'Turning the Plough' recognised the national importance of the surviving ridge and furrow in the parishes of Braunston (378ha) and Shuckburgh (372ha). Subsequently, it emerged that the surviving ridge and furrow in Willoughby (388ha) was equally important but had been omitted from the report. This was confirmed by the author David Hall, the recognised authority on these landscapes. Analysis using Google Earth aerial photography suggests that just 25% of the Parish's ridge and furrow has been lost to field consolidation over the years.
- 4.2.13 It should be noted that the land ownership, occupation and farming of these three local parishes are closely linked over generations with those of Grandborough (and Woolscott), Wolfhampcote (and Flecknoe) and Barby (and Onley), where connected ridge and furrow is also found. Taken as a whole the landscape in this area of the Upper Leam Valley is of great importance. Elsewhere significant loss of ridge and furrow has continued e.g. the DIRFTIII and Rugby Radio Station developments have caused the destruction of over 400ha nearby. It is notable that historic records relating to Willoughby, in particular, and the other parishes are unusually extensive adding to the historic value of the landscape.

### **Wildlife in the Landscape**

- 4.2.14 This historic landscape of ancient ridge and furrow surrounded by mature hedges, which have been in place for centuries, allows wildlife to flourish. Foxes, badgers, hares and small mammals are often seen in the fields around the parish. The Oxford Canal and the old Great Central railway also allow nature to thrive with ducks and swans readily seen on the canal.
- 4.2.15 The village pond is home to many wild ducks and moorhens who breed here. It is also used by frogs and frogspawn is evident in the spring. Visits are often made by a heron and a kingfisher which feed on the fish. A brook runs through the village and the site of the Moat (a scheduled monument) is home to wild ducks and a variety of nesting birds. Hayward Lodge beside the A45 is a natural site where nature has been allowed to take

over and is home to rabbits and wild birds. There is a path running through the site which enables people to enjoy the plants and wildlife.

- 4.2.16 Policy NE3: Landscape Protection and Enhancement in Rugby Borough Council Local Plan requires that *'development proposals will be required to demonstrate that they ... consider its landscape context, including the local distinctiveness of the different natural and historic landscapes and character, including tranquillity [and] relate well to local topography and built form and enhance key landscape features ensuring their long term management and maintenance.'*
- 4.2.17 In the consultation on Issues and Options there was widespread support for including a policy to protect local landscape character with 91.96% of respondents (103 responses) agreeing with such a policy and 5.36% (6) not agreeing.
- 4.2.18 In addition to comments noting strong agreement, there were a number of detailed suggestions for changes. These included the need to protect the remaining areas of ridge and furrow which are of national importance, the need to consider flooding and flood risk in a new policy and proposed wording for a separate policy to protect locally significant views. These suggestions informed the changes to the policy wording and supporting text.
- 4.2.19 The consultation on the First Draft Plan showed that there was widespread local support for Draft Policy W1. 97.22% of respondents (105) supported the Draft Policy and 0.93% (1) did not support it. There were several positive comments and suggestions that the maps showing ridge and furrow should be amended to improve accuracy. Maps 9 and 10 were revised accordingly.
- 4.2.20 Proposals for a new settlement on the edge of the parish at Lodge Farm were deleted from the Local Plan. This was a highly controversial scheme with a high level of objections from local residents and stakeholders. Responses to the NDP Issues and Options consultation suggested that, if the Lodge Farm Village allocation is reinstated at some point in the future, the green gap between the southern boundary of Lodge Farm Village (2016 Publication Local Plan Allocation DS10) and Willoughby village should be protected. Following the examination, the examiner proposed various modifications to the Policy and reference to the proposed green gap in Policy W1 was subsequently deleted. Alternative wording to protect the distinctive settlement of Willoughby within its wider agricultural hinterland was recommended as a modification, and this has been incorporated into the Policy.

### **Policy W1: Protecting and Enhancing Rural Landscape Character**

Development proposals should be designed and sited to minimise any adverse visual impacts on the valued local landscape character of Willoughby parish as described in the Landscape Assessment of the Borough of Rugby Sensitivity and Condition Study (April 2006).

Proposals for new development should incorporate the following landscape design principles where they are applicable to the site concerned:

- A. The open, rural character of the landscape around Willoughby village should be maintained. Isolated new residential buildings in the open countryside will not be supported unless they meet the criteria of Rugby Local Plan Policy H4: Rural Exceptions Sites.
- B. Where possible, proposals for farming related development in the rural area should adjoin the existing built form of farmsteads and other buildings. Large new agricultural buildings and structures should be sited and designed sensitively to avoid breaking the skyline in terms of views from Willoughby village, and landscaping schemes should incorporate screening using native species in hedgerows (see Policy W4) and locally appropriate materials in walls and fences. Larger buildings should be 'broken up' using a change in materials or colour or a break in the roof line.
- C. The sensitive conservation and restoration of traditional farm buildings through continued and appropriate new uses will be supported. Repairs and alterations should use local materials and techniques wherever possible.
- D. Development proposals should preserve and enhance wildlife habitats, green and blue infrastructure corridors and heritage assets such as historic field patterns, hedgerow field boundaries and drainage ditches.
- E. The remaining areas of ridge and furrow landscape and pasture/arable fields of former enclosures as identified on the maps in Appendix 1 are of national importance and development which impacts adversely on these areas and their setting will not be supported.
- F. Lighting schemes should be designed to minimise light pollution. Security lighting should be operated by intruder switching, be appropriate to their setting, be unobtrusive and energy efficient and have consideration for neighbouring amenity.
- G. Development within Willoughby village should protect important local landscape features which enhance the character of the built-up area and link it to the open countryside. These include the following: existing grass verges, hedges, trees, wild areas, swales and ponds. New developments should

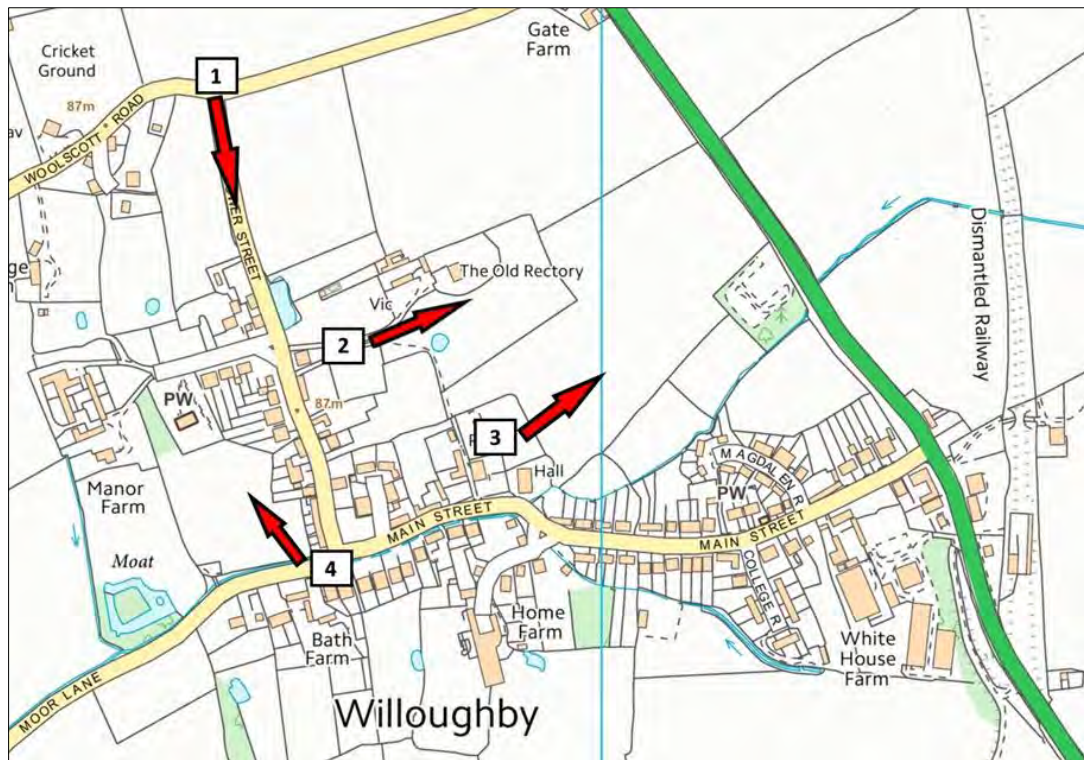
incorporate these features into landscaping designs wherever it is practicable to do so.

Development proposals should be designed and located to ensure that Willoughby village remains as a distinctive settlement in its wider agricultural hinterland.

### **Protecting Locally Significant Views**

- 4.2.21 In the consultation for the Village Design Statement in 2014, local people were asked to indicate whether or not specific views should be protected. These were Views 1, 2, 3, 5, 6 and 7 on the maps below. Almost 85% of respondents said that they should be protected.
- 4.2.22 During the Issues & Options consultation for the NDP in May/June 2018, local residents were asked again about these views and to indicate how important they were on a scale of 1 (not important at all) to 5 (very important). All were felt to be important. Percentages for 4 and 5 on the scale were added together to find out the level of strong support. Views 6 and 7 (towards Dunchurch and Braunston) - 72%, views 2 and 3 (towards Barby) - 78.57% and views 1 and 5 towards the village from Woolscott Road and Longdown Lane - 84%.
- 4.2.23 As part of the preparation for the Issues & Options consultation, the Steering Group decided that a view that was significant to them should be added to find out how important it was to other local people. This was View 9 (from Moor Lane towards Grandborough). 83% of respondents scored this view at 4 or 5 on the scale.
- 4.2.24 During the Issues and Options consultation, respondents were asked to make suggestions for other views that were important to them. The two most suggested views by far were View 4 (from Moor Lane towards the Church) and View 8 (from Moor Lane south across Big Ground towards Sawbridge). Both these views hold special significance for local people. The Church is highly valued as a centuries-old listed building and village landmark and the field from Moor Lane provides an important part of its setting. View 8 looks across Big Ground which now holds iconic status as the site where local people successfully fought against a planning application to build a crematorium in 2011. As a result, these two views were added to the First Draft NDP to find out if they are supported more generally by local people as significant views.
- 4.2.25 The responses to the consultation on the First Draft Plan showed that local residents were in favour of protecting the identified significant views. 98.15% of respondents (106) supported the Draft Policy and identified views.
- 4.2.26 The identified significant views on Maps 2A and 2B make an important contribution towards local visual amenity and the neighbourhood's landscape character.

Map 2A: Significant Views in Willoughby Village



1. View from Woolscott Road looking south along Lower Street towards the village



2. View from PROW 247c<sup>6</sup> looking north-east towards Barby Hill. The Old Vicarage is on the left.

<sup>6</sup> PROW 247c is the public footpath from Lower Street that goes behind the village houses as a shortcut to the playing field and the Rose Inn.

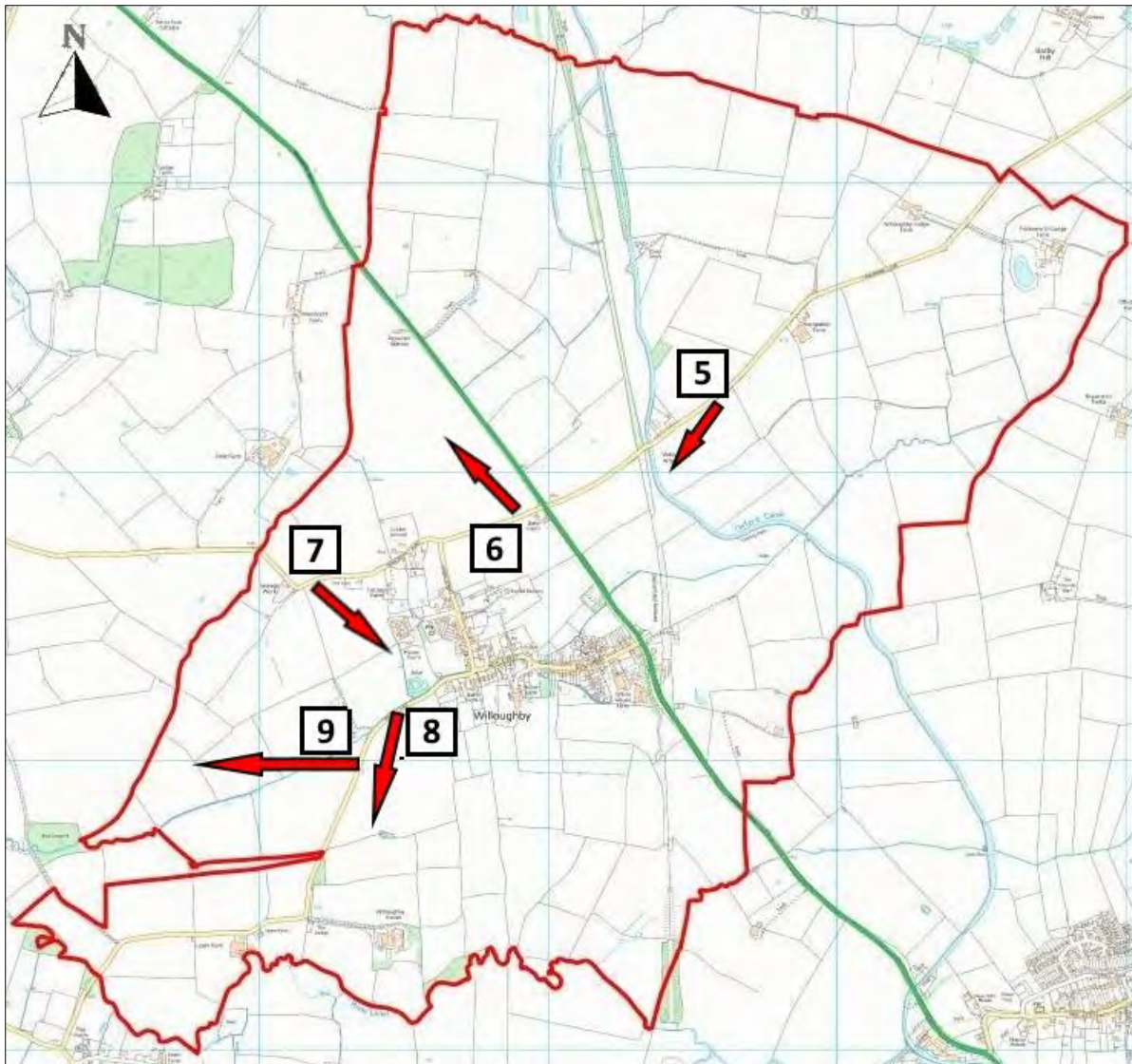


3. View from the village playing field looking north-east towards Barby Hill



4. View from Moor Lane looking north-west towards the church

Map 2B: Significant Views in Willoughby Parish





5. View from Longdown Lane looking south-west towards the village and Flecknoe on the hill in the distance



6. View from Woolscott Road (between the Cricket Club and the A45) looking north-west towards Dunchurch



7. View from Woolscott Road looking south-east towards the village and Braunston church spire in the distance.



8. View from Moor Lane looking south-west across Big Ground towards Sawbridge.



9. View from Moor Lane looking west towards Grandborough. The church spire is right of centre between the darker green trees.

## **Policy W2: Protecting Significant Local Views**

Significant Local Views are identified on Maps 2A and 2B.

Development proposals should respect the identified Significant Local Views. Where a development proposal impacts on an identified Significant View, a Landscape and Visual Impact Assessment or similar study should be carried out to ensure that the scheme is designed and sited sensitively and appropriately to mitigate any adverse impacts.

### **Community Led Renewable Energy Schemes**

- 4.2.27 The consultation on Issues and Options included a question about whether the NDP should support proposals that come forward over the plan period for community based renewable energy schemes. The responses from consultees suggested an ambivalence about this issue, with 44.64% (50) agreeing that the NDP should include such a policy, 46.43% (52) not agreeing, and 8.93% (10) not answering.
- 4.2.28 The NDP Steering Group agreed that such a policy should be included in the Draft Willoughby NDP, provided that there is a clear cross-reference to Draft Policy W1 which protects local landscape character. It was suggested that a Draft Policy could be tested further during the consultation on the First Draft Plan.
- 4.2.29 The responses to the consultation on the First Draft Plan demonstrated that there was strong support for the Draft Policy on renewable energy schemes in the Willoughby NDP. 93.52% of respondents (101) supported the Draft Policy and 2.78% (3) did not support the Draft Policy. There were also several comments noting that there was a need to address visual and landscape impacts and some technologies such as wind were not considered appropriate. Further clarification was also requested. Additional supporting text has been included in the Draft Plan to provide more detailed explanation of community led schemes.
- 4.2.30 NDPs are required to promote sustainable development and there is an increasingly pressing need for policies and plans to contribute towards energy efficiency and carbon reduction measures to address climate change. Small scale community led renewable energy schemes can help to improve security of energy supply and often provide an income stream to support other community projects. Community energy projects have an emphasis on local engagement, local leadership and control and the local community benefiting collectively from the outcomes. Examples of community energy projects include:
- Community-owned renewable electricity installations such as solar photovoltaic (PV) panels, wind turbines or hydroelectric generation;
  - Members of the community jointly switching to a renewable heat source such as a heat pump or biomass boiler;



- A community group supporting energy saving measures such as the installation of cavity wall or solid wall insulation;
- Working in partnership with the local Distribution Network Operator (DNO) to pilot smart technologies;
- Collective purchasing of heating oil for off gas-grid communities; and
- Collective switching of electricity or gas suppliers.<sup>7</sup>

4.2.31 The NPPF para 152. Sets out that '*Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.*' Rugby's Local Plan Policy SDC8: Supporting the provision of renewable energy and low carbon technology, supports proposals for new low carbon and renewable energy technologies subject to criteria including requiring that designs '*minimise adverse impacts (including any cumulative impacts) on the natural environment in terms of landscape, and ecology and visual impact.*'

4.2.32 NDP Policy W3 has been prepared to help guide proposals for community based renewable energy schemes, should any such projects come forward over the plan period.

### **Policy W3: Community-Led Renewable Energy Schemes**

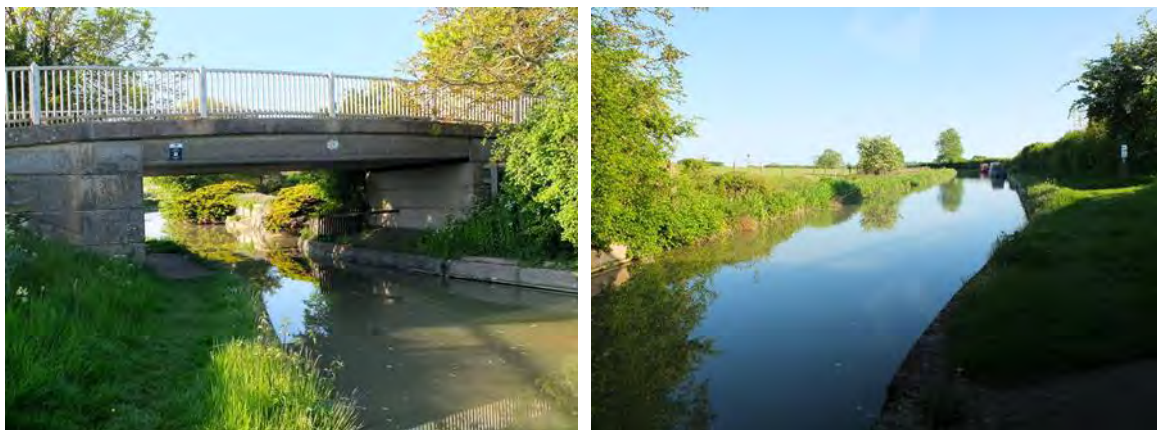
Community-led initiatives for renewable and low carbon energy schemes will be supported, provided that any adverse landscape and visual impacts (including cumulative impacts) are mitigated and, where this approach is not practicable, are minimised.

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<sup>7</sup> See **Community Energy** and **What is Community Energy?**

A guide aimed at local groups who are interested in setting up a community energy project.  
<https://www.gov.uk/guidance/community-energy#what-is-community-energy>

### 4.3 Local Green and Blue Infrastructure



**Oxford Canal bridge by Navigation Cottage and View towards Braunston**

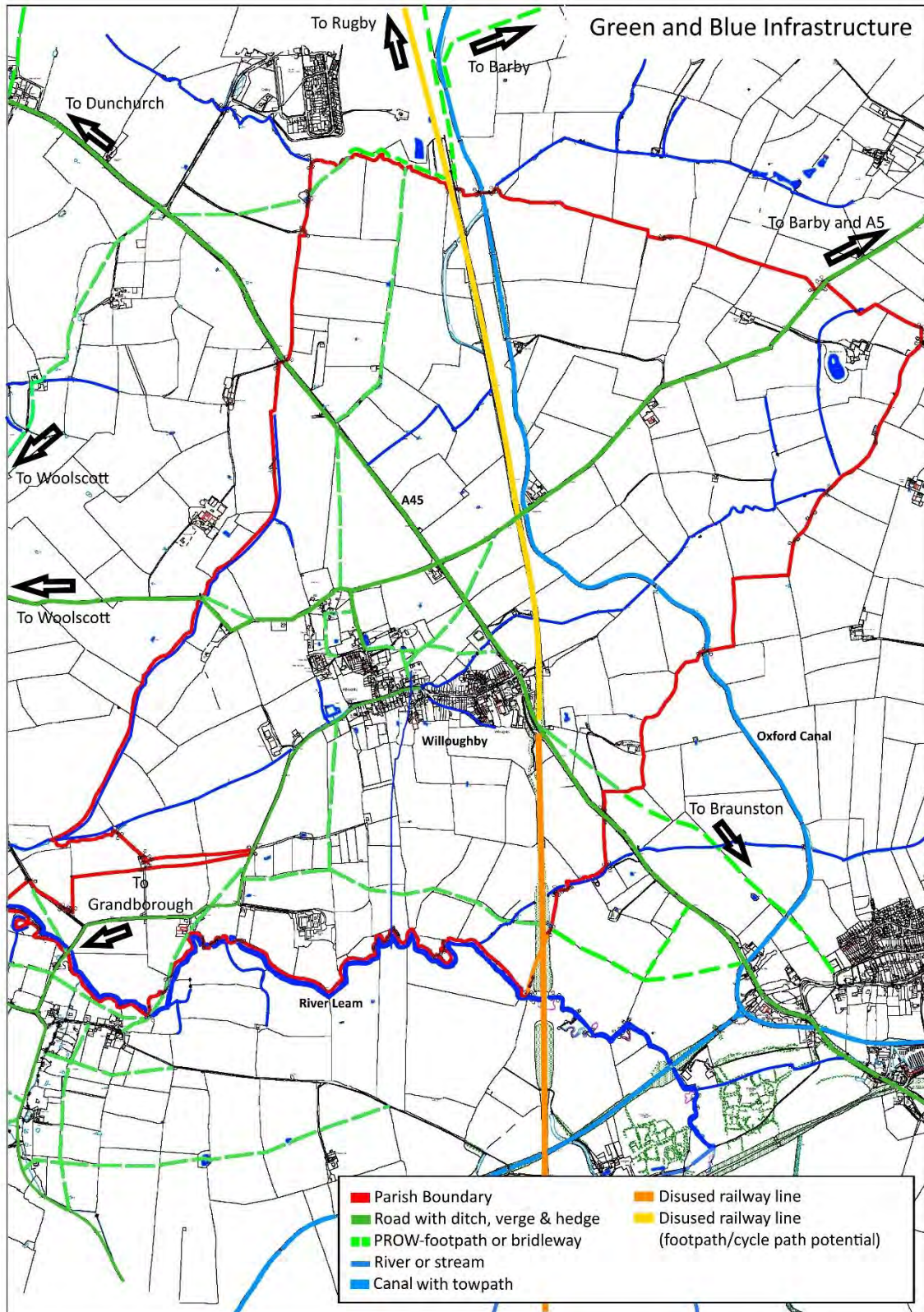
- 4.3.1 Green Infrastructure (GI) is '*a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities*' (NPPF Annex 2 Glossary). These networks include water courses, ponds and canals which are commonly also referred to as 'blue infrastructure'.
- 4.3.2 Rugby Borough Council (RBC) Green Infrastructure Study, Final Report June 2009<sup>8</sup> suggests that the following resources should, wherever possible, be incorporated within local GI networks:
- *hedgerows, rail and motorway embankments and road verges that provide movement corridors and habitats for a range of wildlife (including legally protected and other notable species);*
  - *notable species populations;*
  - *woodlands, orchards and trees that play an important role in providing shading and contributing to the image of an area (as well as being valuable habitats);*
  - *areas of historic value at the local scale (HER records and Historic Landscape Characterisation); areas of high landscape quality (identified through landscape character assessments);*
  - *landscape, ecological and historic features that contribute to local character and sense of place;*
  - *ponds, which provide valuable wildlife habitats and may have a role in local drainage networks;*
  - *public rights of way and permissive routes that may be important as sustainable movement corridors; and*
  - *allotments.*

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<sup>8</sup> [https://www.rugby.gov.uk/downloads/file/197/green\\_infrastructure\\_study](https://www.rugby.gov.uk/downloads/file/197/green_infrastructure_study)

- 4.3.3 Rugby Borough Council Local Plan Policy NE2: Strategic Green and Blue Infrastructure sets out that *'the Council will work with partners towards the creation of a comprehensive Borough wide Strategic Green and Blue Infrastructure Network.'*
- 4.3.4 The Willoughby NDP identifies relevant Green and Blue Infrastructure (GI) networks which are found in the Willoughby neighbourhood area. The responses to the Issues and Options consultation showed that 92.86% of respondents (104 responses) supported the inclusion of a GI policy in the NDP with only 2.68% (3) not supporting such a policy.
- 4.3.5 The consultation on the First Draft Plan showed that there was overwhelming support for the Draft Policy on Green and Blue Infrastructure. 98.15% of respondents (106) supported the Draft Policy. Comments noted the importance of linking new networks to existing ones: this has been addressed in an amendment to the Policy wording. There were also comments about maintenance, the need for greater emphasis in parts of the policy and the importance of encouraging cycling.
- 4.3.6 Map 3 shows the Green and Blue Infrastructure networks identified in Willoughby.

Map 3: Green and Blue Infrastructure in Willoughby Parish



- 4.3.7 Policy W4 aims to protect local Green and Blue Infrastructure and encourages new development to enhance these networks.

#### **Policy W4: Green and Blue Infrastructure in Willoughby**

Green and Blue Infrastructure networks in Willoughby parish are identified on Map 3.

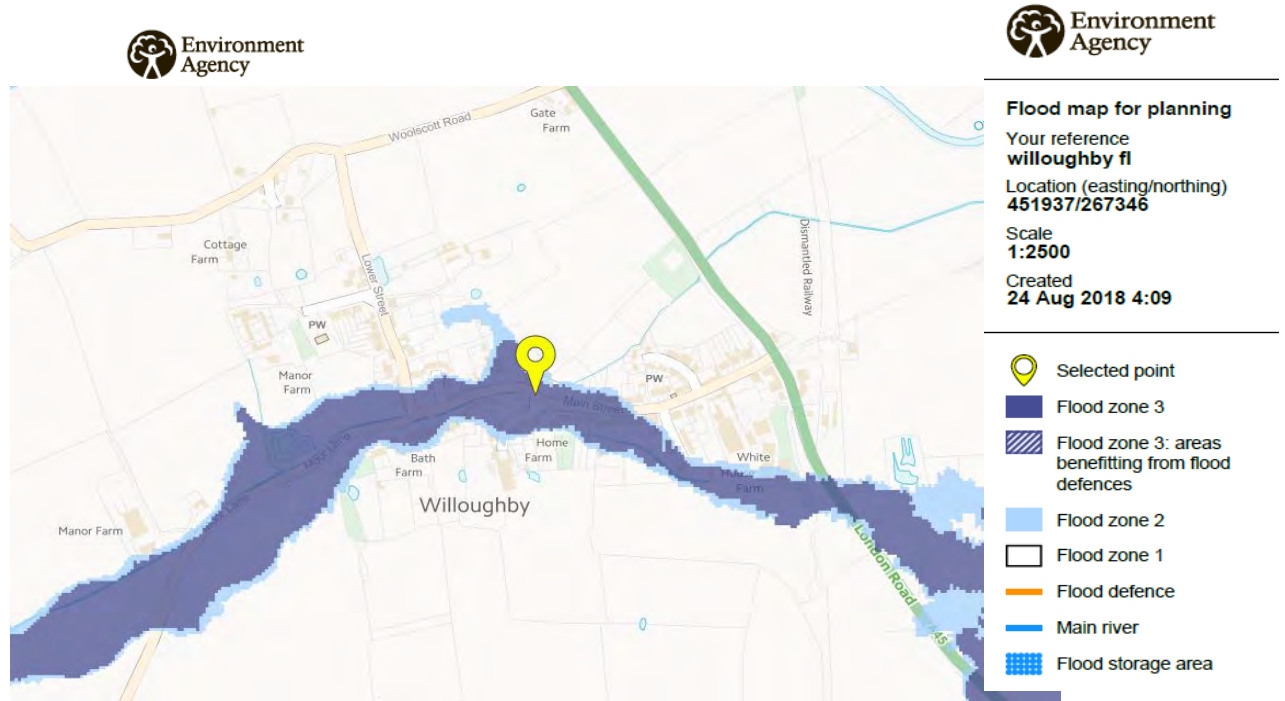
- A. New development should protect and where possible enhance existing Green and Blue Infrastructure. Development which delivers the creation of new multifunctional green and blue infrastructure will be supported. New infrastructure should connect to existing infrastructure wherever possible.
- B. Proposals should demonstrate how existing networks within the site will be maintained during development and thereafter in perpetuity.
- C. Where appropriate, new developments should incorporate opportunities to extend existing networks of footpaths, bridleways and cycleways. Where appropriate, new development should make links to existing Green and Blue infrastructure, neighbouring amenities and communities to increase their environmental and quality of life benefits.
- D. Where it is appropriate and practicable to do so, development should incorporate mitigation measures to protect and enhance the river corridors of the River Leam and its tributaries and the swales which flow through the centre of the village of Willoughby as well as the pond on Lower Street. Proposals should also incorporate opportunities to create space for water to reduce the risk of flooding downstream and to provide other benefits including amenity and enhancing biodiversity.
- E. Planting and landscaping schemes associated with new development should use locally appropriate species which contribute to biodiversity and wildlife objectives.

#### **Reducing Flood Risk**

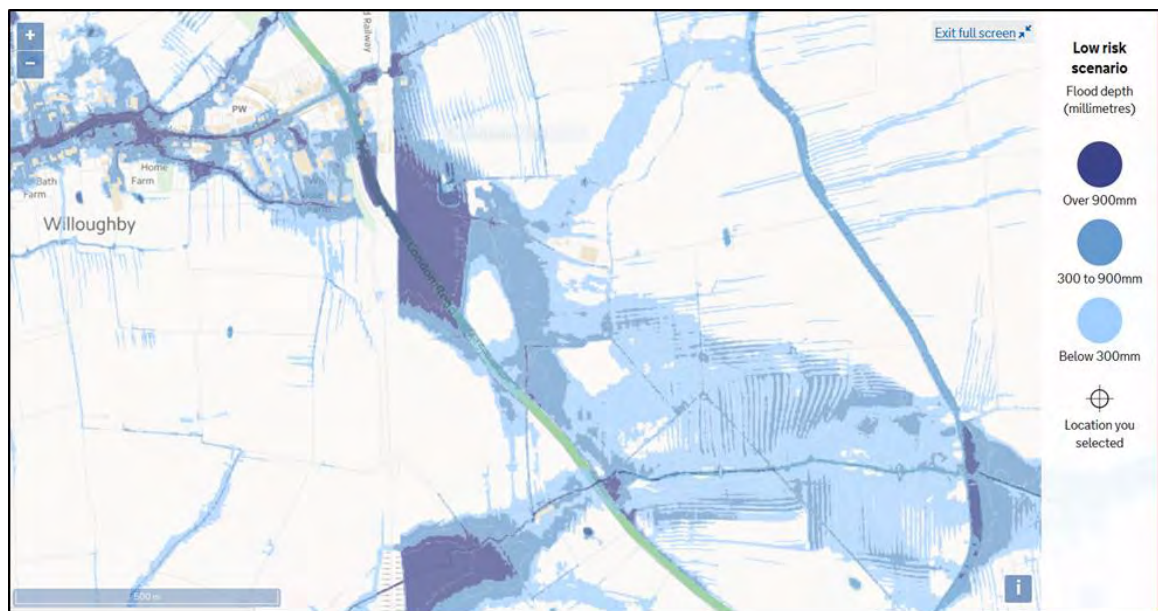
- 4.3.8 A significant area of Willoughby village is at risk of flooding. A watercourse (Willoughby Brook) flows through the heart of the village, and whilst it provides visual interest and supports local wildlife, there is a risk of fluvial flooding as shown on Map 4 and surface water flooding as shown on Map 5.

4.3.9 Maps 4 and 5 are based on national generalised mapping. The Environment Agency (EA) recommends that detailed hydraulic modelling of the ordinary watercourses is undertaken as part of any planning application within close proximity of any ordinary watercourse to properly define the extent of the floodplain taking into account the effect of climate change.

**Map 4: Flood Map for Planning, Willoughby Village (Fluvial Flooding)<sup>9</sup>**



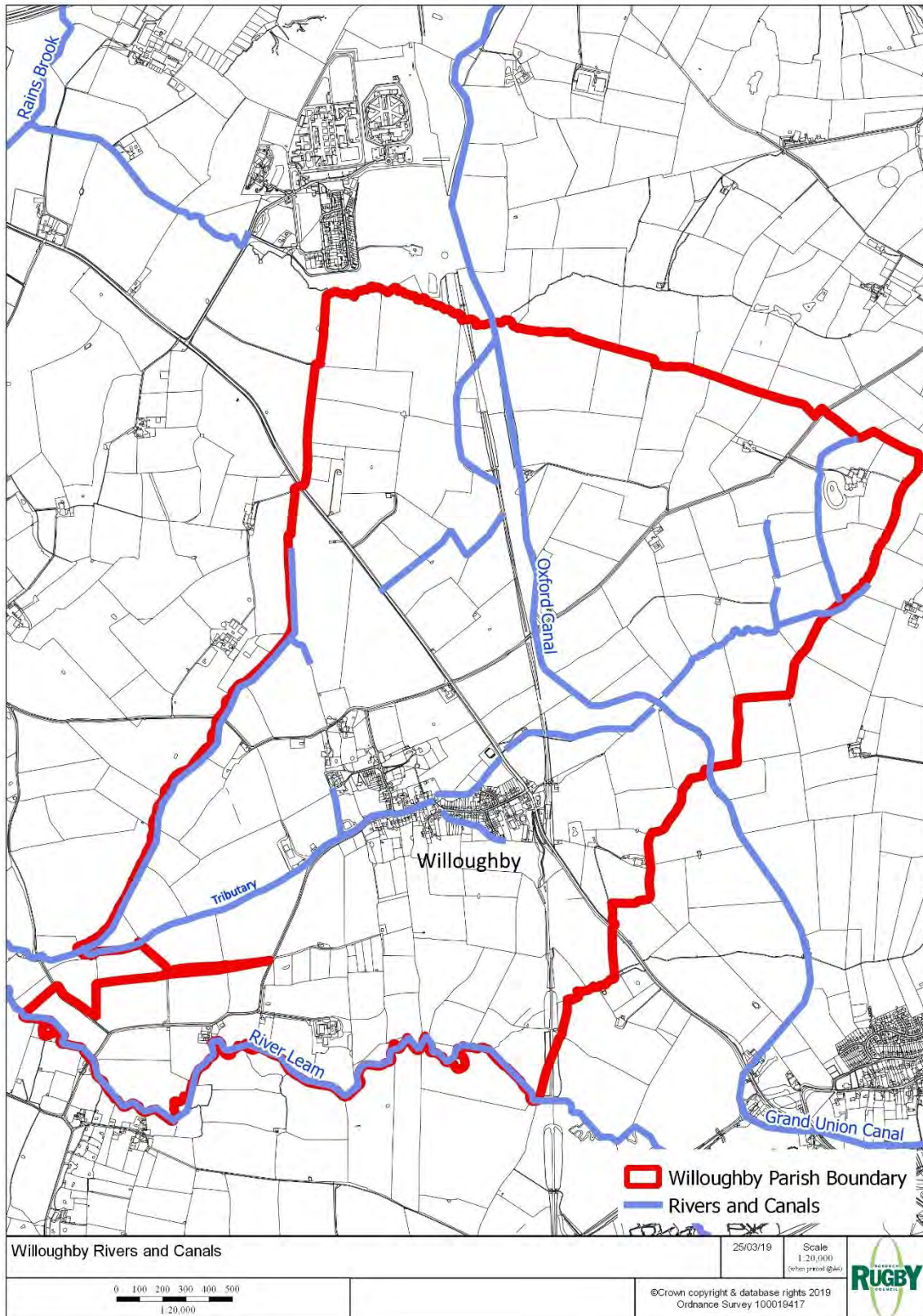
**Map 5: Surface Water Flooding (Environment Agency Flood Map)**



<sup>9</sup> <https://flood-map-for-planning.service.gov.uk/>

- 4.3.9 The Flood Risk Report 2018 (see Additional Evidence on NDP website) provides more detail about fluvial, surface water and groundwater flooding in Willoughby. Surface water flooding occurs when rainfall is unable to soak into the ground or enter the drainage system and creates runoff which flows over the surface to low lying areas. It is usually the result of intense rainfall, often of short duration, (typically, greater than 30-40 mm /hr). Whilst surface water flooding is basically driven by the topography of the land, and permeability of the subsoils, it is influenced to a significant degree by man-made structures, bridges, culverts, fences and other development, especially that associated with significant areas of hard standing.
- 4.3.10 The most seriously affected point in the village during any flooding episode is the junction of Main Street and Lower Street, where the brook passes under Main Street via two culverts. As the water level downstream rises the brook backs up to top its bank. The water level in the brook then rises until the occupation bridge at the end of the footpath along Moor Lane is submerged. The flooding here is often made worse by large cars driving at speed through the flood and throwing the water up against the houses which front directly onto the road.
- 4.3.11 Poorly maintained drainage ditches can also contribute to flooding in the area. The Parish Council will work to encourage landowners in the parish to maintain drainage ditches on private land, and to keep them clear of debris to maximise capacity and reduce risk of overflowing.
- 4.3.12 At the Regulation 14 public consultation stage, the Environment Agency (EA) submitted detailed comments noting that the NDP should propose local policies to safeguard land at risk from fluvial flooding and to make provision for the sustainable management of surface water from both allocated and future windfall sites and that such local policies should seek to enhance the policies in the Rugby Borough Council Local Plan 2011 – 2031.
- 4.3.13 The EA noted that the Draft NDP included a Flood Risk Management policy but advised that this could be strengthened to safeguard land at risk of flooding from any future windfall sites. The NDP should further identify what mitigation measures are considered necessary such as safeguarding specific land (after identification) for flood attenuation or natural flood risk management, and include this in the policies, to ensure that sites are safe and will not increase flood risk elsewhere and that opportunities to reduce flood risk are identified. The Parish Council does not wish to commit resources at this stage to identifying specific areas of land for flood mitigation measures but it recognises the need to plan positively and support such proposals.
- 4.3.14 The EA also advised that the River Leam, classified as an Ordinary Watercourse, flows along the southern edge of the Willoughby NDP area and a tributary of this watercourse flows through the plan area. This watercourse is a major feature and there may be potential opportunities to protect and enhance the river corridor and reduce flood risk in the area. The watercourses are shown on Map 6 below.

Map 6: Watercourses in the NDP Area





- 4.3.15 Policy W5 has been amended and strengthened taking into account the advice provided by the EA and Severn Trent.
- 4.3.16 Rugby Local Plan Policy SDC5: Flood Risk Management sets out that '*a sequential approach to the location of suitable development will be undertaken by the Council based on the Environment Agency's flood zones as shown on the latest Flood Map for Planning and Strategic Flood Risk Assessment (SFRA). This will steer new development to areas with the lowest probability of flooding, in order to minimise the flood risk to people and property and manage any residual risk.*'
- 4.3.17 The consultation on the First Draft Plan demonstrated that there was strong local support for the Draft Policy on flood risk, with 98.15% of respondents (106) supporting the Draft Policy. There were comments about the need for improved maintenance and capacity of the sewage network and a suggestion for a minor amendment to the wording of the Policy. Policy W5 has been comprehensively revised following the Regulation 14 public consultation.

### **Policy W5: Reducing Flood Risk in Willoughby**

Development schemes should be sited and designed to reduce flood risk in Willoughby. Proposals for development should take account of the following principles:

#### Location of New Development

- A. All new development should be located in Flood Zone 1. Only if there is no viable/available land in Flood Zone 1 should other areas be considered using the Sequential Test approach. Any watercourse which does not have any flood extents associated with it, will require further work or modelling as part of detailed planning applications to ensure the proposed development will be safe and not increase flood risk.
- B. In areas where fluvial flood risk is a known issue, development should be avoided within Flood Zone 2 and 3 unless the development can ensure flood risk is not increased elsewhere as well as ensuring surface water runoff is no greater than the existing pre-development runoff. This should include consideration of flood extents within climate change. This may result in existing areas in Flood Zone 2 being located in Flood Zone 3 under the climate change scenario.
- C. Development should be located a suitable distance from watercourses to allow access for maintenance and restoring the natural floodplain. This includes existing culverted watercourses.

- D. Finished floor levels should be set a minimum of 600mm above the 1 in 100 year plus climate change flood level.

#### Drainage and Runoff

- E. Development proposals will be required to provide effective surface water drainage measures to protect existing and future residential areas from flooding. New development should be designed to maximise the retention of surface water on the development site and to minimise the rate of runoff. Overall there should be no net increase in surface water runoff for the lifetime of the development.
- F. All developments should control and discharge all surface water runoff generated on site during the 1 in 100 year plus climate change rainfall event. For greenfield development sites, the surface water runoff generated as a result of the development should not exceed the greenfield runoff rate. For brownfield development sites, developers should deliver an appropriate reduction in the existing runoff rate that relates to the particular circumstances of the site concerned, and where practicable, reduce the runoff to the equivalent greenfield rate.
- G. Sustainable drainage systems (SuDS) should be implemented in accordance with the SuDS hierarchy where such an approach is practicable.
- H. Developments should take account of the Drainage Hierarchy and, in particular, schemes should direct surface water away from combined sewers on previously developed land and ensure surface water on new development is not connected to a combined sewer. Where alternatives to a connection to a surface water sewer or to a combined sewer are available these outfall options should be considered prior to determination of the drainage system.
- I. All SuDs features should be located outside of the 1 in 100 year plus climate change flood extent.

#### Flood Storage

- J. Schemes should make use of open space to retain water as part of flood risk management.

- K. Areas of land in Flood Zone 2 and Flood Zone 3 adjacent to the River Leam and its tributaries will be protected from development to support flood attenuation measures or natural flood risk management.
- L. Wherever it is practicable to do so development proposals should provide betterment on flood storage. Developments that would create space for water by restoring floodplains and contributing towards the delivery or improvement of Green and/or Blue Infrastructure will be supported.

## 4.4 Conserving and Enhancing our Built Heritage Assets



**Church of St. Nicholas (Grade II\*)**

- 4.4.1 Three historic transport routes run through Willoughby Parish. The village itself lies on an important historic road from London to Holyhead. In 1790, the Oxford Canal was opened with a wharf near Willoughby and this remains an important leisure route today. Later, the Great Central Railway station opened in 1899 (closed 1957) providing a regular rail service to London.
- 4.4.2 The street plan of the village has remained largely unchanged for centuries. The upper part of Main Street, Lower Street, Moor Lane and Woolscott Road were farm tracks until the 1920s. Much of the housing was of traditional cob and thatch until the 1920s when many were condemned as unfit for human habitation and demolished to be replaced by brick and tile houses.
- 4.4.3 Willoughby's built heritage and distinctive character are clearly valued locally as positive assets. In the questionnaires for the Parish Plan and for the Village Design Statement, a considerable majority of respondents wanted the heritage of the village to be protected and many people noted buildings which were of visual or historical importance to them.
- 4.4.4 The responses to the Issues and Options consultation demonstrated strong support for the NDP to include a planning policy to protect and enhance built heritage assets in the parish. 87.50% of respondents (98 responses) supported such a policy and 5.36% (6) did not. Comments included the need to protect ridge and furrow landscapes (this is addressed in Policy W1), that new products can enhance and blend in and that there is a need for new development to be in keeping with the existing village.

4.4.5 The consultation on the First Draft Plan also demonstrated strong local support with 97.22% of respondents (105) supporting the Draft Policy. Map 14 was amended to improve accuracy in response to one of the comments.

4.4.6 Many of the oldest built heritage assets in the village are in the historic core. These include:

*Lower Street* with its terraced cottages and detached properties such as Barrowfield and Church View, which used to have a Methodist chapel at the end of the building. Vale House, a timber-framed house next door, was built in the 17th century.

*Main Street* where older properties include The Bakehouse and Post Cottage, together with buildings near the village sign triangle such as the Rose Inn, The Old School House, The White House and The Willows.

4.4.7 Other more scattered historic properties include Bath Farm in Moor Lane, The Old Vicarage off Lower Street and Gate Farm on the A45, together with Manor Farmhouse near to St Nicholas' Church. Willoughby House on the Sawbridge Road was built in the 1860s on the site of The Bath Hotel which was a spa during the first half of the 19th century. The site of a moated farmstead dated to the 1400s in Moor Lane is designated a scheduled monument by English Heritage. In total, there are six listed buildings in the Parish including the Grade II\* listed Church of St Nicholas and one scheduled monument, The Moat. These are:

- The Smithy (Grade II)
- The Rose Public House (Grade II)
- Vale House (Grade II)
- Church of St Nicholas (Grade II\*)
- Manor Farmhouse (Grade II)
- Whitehouse Farmhouse (Grade II) and
- Moated Site south of Manor Farmhouse (Scheduled).

4.4.8 Appendix 2 provides more information about the statutory Listed Buildings in the parish.

4.4.9 Appendix 3 identifies and describes proposed non-designated heritage assets for further consideration by Rugby Borough Council. These are:

- Cottage Farm
- Pye Court
- The Old Vicarage
- Gate Farm
- Navigation House (Inn) and Cottage
- Old Station Master's House
- Willoughby House
- Ivy House Farm
- Church View
- Barrowfield

- Red House
- Lower Street Cottages
- Bath Farm
- Post Cottage
- The Bakehouse
- The Old School House
- The Willows
- College Farm
- The Wesleyan Chapel
- Four Crosses



**Manor Farmhouse (Grade II)**

4.4.10 Rugby Borough Council Local Plan Policy SDC3: Protecting and Enhancing the Historic Environment supports development which *'sustains and enhances the significance of the Borough's heritage assets including listed buildings, conservation areas, historic parks and gardens, archaeology, historic landscapes and townscapes*. The NPPF defines Heritage Assets as *a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).*'

4.4.11 Policy W6 seeks to conserve and enhance the historic environment of Willoughby, taking into account locally important heritage assets and significant features. The third part of the policy has been designed to ensure that development proposals which fall within areas recorded on the Warwickshire Historic Environmental Record<sup>10</sup> in the neighbourhood area are properly prepared to safeguard the identified heritage. Where

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<sup>10</sup> <https://www.warwickshire.gov.uk/her>

appropriate the Warwickshire Historic Environmental Record should be consulted at an early stage in the formulation of development proposals.

### **Policy W6: Conserving and Enhancing Built Heritage Assets and their Settings**

Development proposals should conserve and enhance built heritage assets, including any locally significant, non-designated heritage assets. Wherever practicable and as relevant to the proposed development:

- A. Development proposals including alterations to existing buildings should describe the significance of any heritage assets affected, including any contribution made by their setting, and conserve and enhance assets according to their significance.
- B. All development should conserve both designated and non-designated heritage assets including listed buildings and locally significant non-designated assets identified in this Neighbourhood Development Plan for consideration by Rugby Borough Council (see Appendix 3), and incorporate within the development measures to avoid or minimise impact or mitigate damage.
- C. Development proposals should take account of known surface and subsurface archaeology and ensure unknown and potentially significant deposits are identified and appropriately considered during development.

## 4.5 Encouraging High Quality and Sustainable Design



**Manor Farm Barns - brick-built agricultural barns converted to eight houses in 1999**

- 4.5.1 At the same time as conserving and enhancing built heritage assets in Willoughby, the Parish Council recognises that, where appropriate, the NDP should support high quality contemporary designs in new development in the village and the wider rural area of the parish. This approach was supported by local residents in the consultation on Issues and Options, with 92.86% of responses (104) supporting such a policy in the NDP and 4.46% of responses (5) not supporting the inclusion of a policy promoting high quality design. Various suggestions were made for improving the policy wording such as incorporating more detail in relation to sustainable design and these were incorporated wherever possible into the Draft Policy.
- 4.5.2 The consultation on the First Draft Plan confirmed the local support for the design policy with 94.44% of respondents (102) supporting the Draft Policy and 3.7% (4) not supporting it. There were some general comments about enforcement and prescriptiveness.
- 4.5.3 Around the village, some of the traditional buildings are built of stone and Vale House is timber-framed, but most buildings are constructed from red brick while some have a rendered finish or are painted white. Buildings are generally modest in scale (mainly one, one and a half or two storeys) but there are some larger detached houses, both traditional and modern. All roofs are sloping and are a mixture of slate and clay tiles or curved, concrete tiles. The only building left in the village with a thatched roof is the Rose Inn. As new development takes place, the village and wider parish will continue to evolve



and the Plan encourages appropriate contemporary responses to the more traditional buildings which currently exist.

- 4.5.4 As part of the background evidence for the Neighbourhood Development Plan, the Steering Group has prepared local character appraisals of distinct areas around the village with photographs and descriptions of their key features. These character appraisals are provided in Appendix 4.
- 4.5.5 The Village Design Statement provides some detailed design principles to guide new development in Willoughby, but this has less weight in planning decisions than planning policies, such as those included in a Neighbourhood Development Plan (NDP).
- 4.5.6 At the Regulation 14 public consultation stage, Severn Trent advised that The Severn Trent Water Resources Management Plan 2019 (WRMP19)<sup>11</sup> identifies that a significant deficit between supply and demand for water is forecast, and that one of the changes that has led to this deficit is the need to prevent risk of future environmental deterioration. To ensure that the environment is protected for future customers, some of the current sources of water cannot be relied upon in the future. One of the ways in which the WRMP19 has committed to mitigating this risk is by 'helping customers to use less water through water efficiency activities and education.'
- 4.5.7 In support of this goal Severn Trent recommends that local planning authorities incorporate the voluntary building standard of 110 l/p/d into their planning policies so that new development is designed in line with this approach.
- 4.5.8 Policy W7 has been amended slightly to encourage greater water efficiency in new developments.
- 4.5.9 Rugby Borough Council Local Plan contains Policy SDC1: Sustainable Design which states that *'all development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are situated.'*
- 4.5.10 Policy W7 promotes high quality design which respects the context and setting but which also supports more sustainable, modern and contemporary designs. Development should be encouraged to include the use of innovative construction techniques, new or recycled building materials and sustainable, energy efficient design. In doing so, the Willoughby NDP will promote local distinctiveness and a sense of place, in contrast to the very generic house designs often promoted by house builders across the country.

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<sup>11</sup> <https://www.severntrent.com/about-us/future-plans/water-resource-management/water-resource-management-plan/>

## **Policy W7: Encouraging High Quality and Sustainable Design**

New development proposals and alterations and extensions to existing buildings should incorporate the following design principles as relevant to the site and its location:

### General Principles

- A. New development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. The height, scale, roofline and form of any new buildings should not disrupt the visual character of the street scene and impact on any significant wider landscape views (see Policy W2).
- B. Proposals should demonstrate how they have considered the distinctive character of the neighbouring area in Design and Access Statements taking into account the local character appraisals in Appendix 4.
- C. New buildings should follow a consistent design approach in the use of materials, windows/doors and the roofline to the building. Materials should complement the design of a development and add to the quality or character of the surrounding environment.
- D. Older traditional buildings should be retained where practicable. Where alterations are proposed these should be sympathetic to their integrity and not detract from it.
- E. Extensions should be sympathetic in design to the principal building and be proportionate in terms of scale.
- F. The residential amenity of existing neighbouring occupiers should be safeguarded in terms of light, noise, overlooking and odours.

### Sustainable Development

- G. Sustainable, energy efficient designs will be supported. Where planning consent is required, small scale domestic renewable energy schemes such as solar panels, solar water heating and ground source heat pumps will be supported provided that schemes are sited and designed to be unobtrusive.

- H. New developments should be designed to include water efficiency measures to reduce water consumption to an estimated water use of no more than 110 litres per person per day or subsequent target. As appropriate to the site concerned such measures should include use of water efficient fixtures and fittings, installation of water butts to collect rainwater for garden and external use and recycling of grey water in toilets.
- I. Contemporary designs and modern architectural approaches, including the use of innovative construction techniques and new or recycled building materials, will be supported where they are of outstanding or innovative design and where they clearly demonstrate that they are appropriate to their context.
- J. Where practicable proposals for new development should promote walking and cycling by linking to existing routes and including suitable storage provision for bicycles. Electric charging points for vehicles should be provided on external elevations or in garages.
- K. Development should not increase flood risk elsewhere within the neighbourhood area. Surface water runoff should be no greater than the existing pre-development runoff, irrespective of whether or not the receiving watercourse has capacity to take additional flows as any additional runoff may exacerbate flood risk downstream.

Respecting Local Character

- L. New buildings should be orientated to front the road. Existing building lines should be maintained. Where existing buildings are set back behind front gardens new development should continue this approach and incorporate similar boundary treatments such as low front walls or hedges.
- M. Proposals should reference existing local materials in the neighbouring area as described in the character appraisals in Appendix 4 and incorporate these into the design of new schemes to help integrate them into the local context.
- N. Dormer roofs that would be visible from the street should be pitched and should be functional and unobtrusive.
- O. Building heights should be no more than two storeys.

- P. Windows should be appropriate to the type and size of house and alterations to older properties should retain the size and style of the original opening wherever practicable. Larger windows will be supported where they are appropriate to the design of the building concerned and are not visible from the road.
- Q. In the wider rural area, redevelopment, alteration or extension of historic farmsteads and agricultural buildings should be sensitive to their distinctive character, materials and form.

## 4.6 Providing Homes



**The Old School House**

### **Introduction**

- 4.6.1 The village of Willoughby has grown incrementally over a long period of time with a combination of some small-scale new developments, some infill development and rebuilds and conversions of existing buildings. In 2001, there were 181 dwellings in the parish and by 2011 this had risen to 193. Since then, 5 more new houses have been added (3 barn conversions, one change of use to a dwelling and 1 new build). A list of the main housing development since the 1960s is provided in Appendix 5.
- 4.6.2 In 2011, 42.5% of houses in the parish were detached (much higher than in Rugby Borough generally at 28.3%), 33.2% were semi-detached and 17.1% were terraced. 81.6% of all houses were owner occupied, a significantly higher percentage than in Rugby Borough generally (70.5%) (Census, 2011).
- 4.6.3 The results of the questionnaire carried out in 2014 showed that 72% of respondents felt that the character of Willoughby derives from its present size, while 33% of respondents felt that the village would benefit from the development of new housing. 89% of respondents thought that Willoughby should retain its current mix of smaller houses and bungalows as well as larger properties while 71% felt that the current mix of housing size and style was adequate.
- 4.6.4 The housing survey produced by Midlands Rural Housing in June 2014 for Willoughby village showed that, at that time, there was an identified need in the village for two

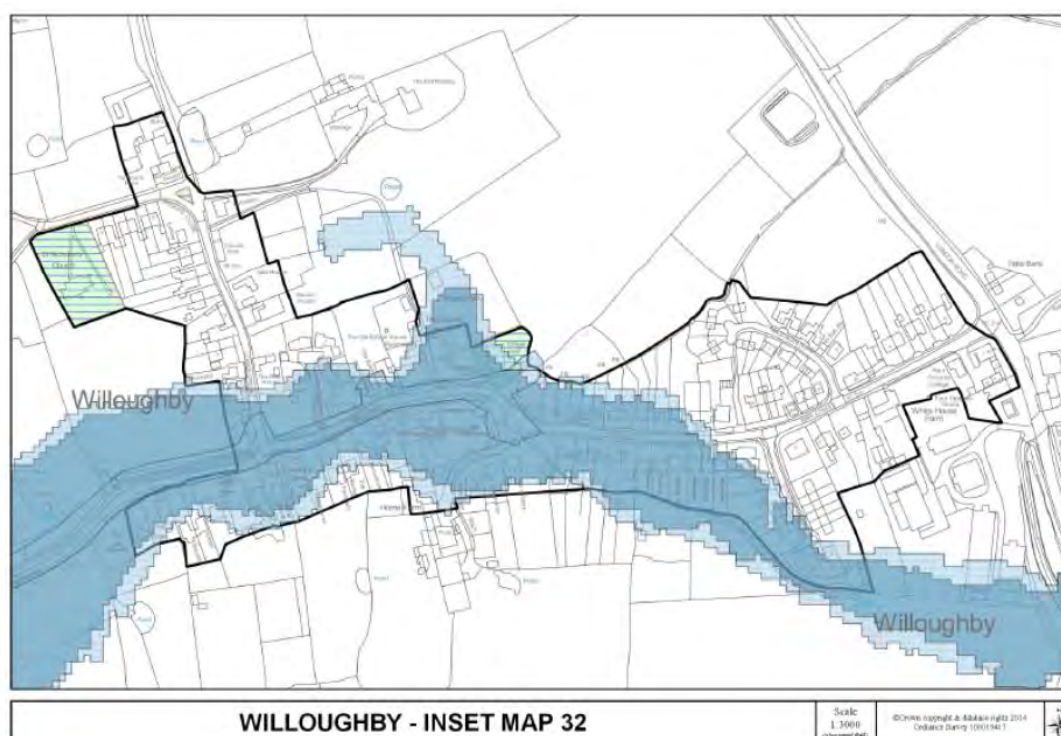
affordable homes and two 2-bedroom open market homes (one bungalow, one house) for those with a local connection.

- 4.6.5 The consultation on Issues and Options demonstrated that there was significant support from local residents for including a policy supporting suitable house types and sizes in the Draft Willoughby NDP. 88.39% (99) respondents supported including such a policy and 4.46% (5) did not support such a policy.
- 4.6.6 Most respondents 67.86% (76) were not planning to move in the near future. However, the following were noted as the types and sizes of local housing most needed in the parish if a move was planned:
- Housing for first time buyers (1-2 bed) - 20.54% (23) respondents
  - Family housing (3-4 bed) - 10.71% (12) respondents
  - Larger family housing (4+ bed) - 1.79% (2) respondents
  - Housing for older people (1-2 bed) - 17.86% (20) respondents
  - Special needs / accessible housing - 7.14% (8) respondents
  - Other (please specify) -12.50% (14) respondents
  - Not Answered - 66.07% (74) respondents.
- 4.6.7 Reasons for a possible move included cost and availability of housing and the lack of facilities in the village.
- 4.6.8 The Steering Group considered the detailed responses and undertook a further mini survey from 14 to 24 June 2018 to understand local housing needs better. There were nine responses. These indicated a clear individual need for 4 - 6 homes in the first five years (2 starter homes and 2 - 4 for older people), 1 home for older people in years 6 - 10 and 1 starter home in years 11 - 15. All asked for Affordable housing. This is in keeping with the 2014 housing survey and those carried out in surrounding villages.
- 4.6.9 The Steering Group has looked at the current housing stock in Willoughby Parish and compared this to the need identified in the Rugby SHMA. Appendix 6 shows this comparison which supports the NDP priority for smaller houses.
- 4.6.10 The data from the responses to the Issues and Options and to the mini survey were used to inform Draft Policy W8 in addition to the evidence in Appendix 6. The consultation on the First Draft Plan confirmed the strong local support for the proposed housing policy with 92.59% (100) respondents supporting the Draft Policy and 5.56% (6) not supporting it.
- 4.6.11 Of the 398 people living in the parish in 2011, 18.4% were aged 19 years old or younger and 23.9% were over 65. The proportion of 20 - 44-year olds in the parish population decreased significantly from 29.09% in 2001 to 21.4% in 2011 and the proportion of 45 - 64-year olds increased slightly from 34.6% to 36.4%. By June 2016 it is estimated that there were 414 people in Willoughby parish - an increase of 16 people since 2011. (ONS Mid-Year population estimates for 2016)

## Rugby Borough Council Local Plan

- 4.6.12 In Local Plan Policy GP2: Settlement Hierarchy, Willoughby is identified as a Rural Village where *'Development will be permitted within existing boundaries only, including the conversion of existing buildings where national policy permits.'* The remainder of the parish falls under 'Countryside' where *'new development will be resisted; only where national policy on countryside locations allows will development be permitted.'* The Village Inset Map 32 from the Local Plan is provided as Map 7 below.

**Map 7: Rugby Local Plan 2011-2031 Inset Map 32**



## Services in Willoughby Village

- 4.6.13 An overview of the services available in Willoughby can be found in Rugby Borough Council's 'Village Services Audit', an appendix to the 'Rural Sustainability Study', published in December 2015. All thirty-four villages in the Borough were assessed against various criteria in terms of their sustainability and then ranked based on their total score. Access to services and access to public transport were the two main categories used to assess a village's sustainability.
- 4.6.14 The Village Services Audit has been re-organised from 'most sustainable village' to 'least sustainable' and re-scored because the village has lost its garage/petrol station and regular bus service since the audit was done. In 2015, Willoughby ranked 19<sup>th</sup> out of the thirty-four villages in Rugby Borough for sustainability. In April 2019, it ranked 27<sup>th</sup>. Some

limited additional housing in the village would help to sustain the remaining local services and businesses.

### **Policy Considerations**

4.6.15 The settlement boundary has been drawn tightly around the village and much of the village is at risk of flooding. In the responses to the Issues and Options consultation a majority of respondents (57.14% or 64) did not wish to see development next to the settlement boundary and the Willoughby NDP therefore supports maintaining the proposed Local Plan settlement boundary.

4.6.16 The settlement boundary and areas at risk of flooding are significant development constraints and mean that new housing development in Willoughby village is likely to be limited over the Plan period (up to 2031). It is therefore very important that any new housing or conversions are of the size and type needed to support the future sustainability and vitality of the village.

4.6.17 Policy W8 has been prepared to guide any planning applications that come forward over the Plan period. The responses to the consultations undertaken in summer 2018 suggested that there was a local need for the following house types and sizes:

- smaller starter homes (1-2 bedrooms)
- homes for young families (2-3 bedrooms)
- smaller homes for older residents (1-2 bedrooms)
- more affordable housing.

4.6.18 There was also a suggestion that local amenity and privacy should be protected in proposals for backland development or development in rear gardens.

### **Rural Exception Sites**

4.6.19 The development of affordable housing to meet the needs of local people may be permitted adjacent to defined rural settlement boundaries where development is normally resisted. 'Rural Exception Sites' will only be considered acceptable if they meet a number of criteria, including there being no suitable alternative site inside the village boundary, and arrangements for the management and occupation of dwellings must be made to ensure that all dwellings provided will be, and will remain available for occupancy by eligible local people at an affordable cost and at a range of tenures, both initially and in perpetuity.

4.6.20 Proposals will be considered against Local Plan Policy H4: Rural Exception Sites. Following the consultation on Issues and Options, it is not proposed that the NDP will include proposed site allocations for such sites. If any proposals come forward over the plan period they will be determined in accordance with the policies in the NDP and Rugby's planning policies, unless material considerations indicate otherwise.



## **Policy W8: Providing Suitable Homes**

### Housing inside the Settlement Boundary

New housing development will be supported within the settlement boundary of Willoughby village where:

- A. Schemes are small in scale (around 1 or 2 houses) and are on small infill or brownfield sites.
- B. Development does not have an unacceptable impact on the character of the immediate locality and responds positively to Policy W7 of this Plan.
- C. Residential development in rear gardens would not have an unacceptable impact on the character of the local area in terms of loss of openness, mature trees, hedges and shrubbery and a substantial increase in the density of built form.
- D. Suitable access is provided which is well-connected where practicable, linked to existing local vehicular, pedestrian and cycle networks.
- E. Car parking provision is provided in accordance with the most up to date parking standards of Rugby Borough Council<sup>12</sup>.
- F. Development proposals are not in areas at risk of flooding.

### House Types and Sizes

All proposals for new housing and conversions of existing buildings should meet local housing needs in terms of house type, size and tenure or a need identified in an updated Local Housing Needs Assessment.

The following house types will be particularly supported:

1. Smaller starter homes (1-2 bedrooms) for young people.
2. Homes for young families (2-3 bedrooms) with gardens.

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<sup>12</sup> See Rugby Local Plan Appendix 5: Car Parking Standards

3. Smaller homes for older residents (1-2 bedrooms) and extra care/sheltered accommodation to provide opportunities for downsizing.
4. Affordable housing<sup>13</sup> in line with Rugby Borough Council's most up to date requirements for affordable housing provision, including shared ownership schemes.

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<sup>13</sup> See Appendix 7 for definition of Affordable Housing

## 4.7 Supporting Small Businesses and Home Working



**B Beautiful Salon on Lower Street**

- 4.7.1 Willoughby has a range of local businesses. These include businesses run from home, those with specific premises (e.g. B Beautiful and the Rose Inn) and farmers who work and live in the parish. A list of these local businesses is provided in Appendix 8 and the responses to the Issues and Options public consultation noted a range of local businesses where residents work largely from home. Examples included acupuncture, administration, business consultancy, IT, writing and software engineering. There were a number of suggestions for how businesses could be supported but most of these were non-planning matters - such as improving mobile telephone and broadband coverage - and these have been referred to the Parish Council and Rugby Borough Council for possible action.
- 4.7.2 The future sustainability of the parish is partially dependent upon maintaining the local economy and services and enhancing these where possible. Local businesses, appropriate to the rural area, should be encouraged and supported to ensure employment opportunities and economic growth are provided in the future.
- 4.7.3 Rugby Borough Council Local Plan supports appropriate economic development in the countryside (Policy ED3) and provides more detail about the forms of development that would be acceptable in principle (Policy ED4). The Plan acknowledges, however, that *'rural locations are not always likely to be the most sustainable employment locations in terms of access to both workforce and the local transport network'* and goes on to say that any development must be *'appropriate to its rural location and does not cause unacceptable adverse impacts in the area.'* (Paragraph 6.17)
- 4.7.4 Paragraph 6.18 states that *'The provisions of Parish Plans and Neighbourhood Plans will be taken into account when assessing development proposals in rural parts of the borough.'*

- 4.7.5 Policy W9 seeks to provide a local planning policy framework to guide local economic development in Willoughby parish and to support opportunities for local employment. The responses to the consultation on Issues and Options suggested that local residents support such a policy. 84.82% or 95 respondents wanted to see such a policy included in the NDP and 9.82% (11) were not in favour. Some minor amendments to the proposed Draft Policy wording were made in response to comments and suggestions. In the consultation on the First Draft Plan, Draft Policy W9 was supported by 95.37% of respondents (103), 1.85% (2) did not support the Draft Policy and 2.83% (3) did not respond. There was a suggestion that the Policy should refer to contamination and this has been incorporated.
- 4.7.6 There has been an increase in recent years in the proportion of people who work from home as opportunities for more flexible working arrangements have increased and there have been improvements in communication technologies. In Willoughby, the responses to the Issues and Options consultation demonstrated that at least 22 people (19.64% of respondents) currently work from home either all or part of the time. Small scale changes to houses including some extensions may not require planning consent if they fall under permitted development rights, but where planning permission is needed for instance for a larger extension or annex, the Parish Council wishes to support such proposals, where there are no adverse impacts on local character or amenity of neighbouring occupiers.

### **Policy W9: Supporting Home Working and Small Businesses**

Small scale economic development which is in keeping with Willoughby's rural location, setting and historic character will be supported. Proposals for such development, including development related to homeworking insofar as planning permission is required, should respond positively to the following matters:

- A. Where new buildings or extensions are proposed, designs are appropriate in terms of other policies in the NDP including Policy W1.
- B. Proposed development is appropriate to the rural parish setting in terms of size, design and type of business.
- C. Proposals incorporate appropriate mitigation measures to minimise any adverse impacts on the capacity of relevant local infrastructure, on local residential amenity in terms of noise, disturbance, capacity of the road network, highway safety, odour and any other environmental contamination.
- D. Car parking to development plan standards is provided for employees and visitors.

In addition, schemes will be encouraged where:

- E. Proposals are for small businesses and facilities which support local services or the visitor economy linked to the quiet enjoyment of the countryside; and
- F. Proposals are for the redevelopment or re-use of existing former agricultural buildings, workshops or previously used sites in the countryside for small scale retail (such as farm shops), professional and artisan type uses.

Proposals for haulage and distribution type businesses which would lead to an unacceptable level of additional traffic and heavy goods vehicles on rural roads in the parish leading to adverse impacts on highway safety will be strongly resisted.

## 4.8 Protecting and Improving Local Facilities and Services



**Village Hall**

- 4.8.1 Under 'supporting a prosperous rural economy', NPPF paragraph 83. sets out that *'planning policies and decisions should enable: d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*
- 4.8.2 Policy HS3: Protection and Provision of Local Shops, Community Facilities and Services in Rugby Borough Council's Local Plan is aligned with the NPPF and reiterates the importance of local facilities and the need to protect and improve these, where possible, to meet the needs of the local resident population.
- 4.8.3 The responses to the consultation on Issues and Options demonstrated strong support for the NDP to include a policy identifying and protecting existing village facilities with 89.29% of respondents (100) agreeing to such a policy. 82.14% of respondents (92) supported a policy to promote investment in new health and community facilities.
- 4.8.4 The consultation responses to the First Draft Plan also demonstrated a high level of support for Draft Policy W10 with 98.15% of respondents (106) supporting the Policy. There was a suggestion that the village pond should be referred to as a local community facility but this water feature is more appropriate to Policy W4 and therefore Policy W4 has been amended accordingly.
- 4.8.5 Willoughby Parish has a range of facilities. These include a village hall, a pub and a cafe, a playing field and children's playground, allotments, a cricket club and a church, a beauty salon and a car wash facility. A full list of local facilities and services is provided in

Appendix 9. The Issues and Options consultation asked residents about which facilities were important to them. The responses showed the following:

- Village Hall - 88.39% 99 respondents
- Cricket Club - 69.64% 78 respondents
- Playing Field & Playground - 82.14% 92 respondents
- Allotments - 53.57% 60 respondents
- Church - 75.00% 84 respondents
- Pub - 83.93% 94 respondents
- Hayward Lodge - 64.29% 72 respondents
- Amenity Garden - 69.64% 78 respondents
- Other (please specify) - 23.21% 26 respondents
- Not Answered - 6.25% 7 respondents

4.8.6 The recently refurbished village hall is well used by local clubs and societies and is the hub of social activity. The clubs and societies offer many and varied activities for local people and the popular Local and Live concerts entertain monthly throughout the year. Cricket plays an important part in the life of the parish and the club has senior and junior teams that play at local and regional levels. During the school holidays, there are also summer schools for children and young people from the local area. The excellent facilities on the Woolscott Road include a pavilion and several carefully tended pitches, as well as a practice area.



**Village Festival - playing tug-of-war on the playing field**

4.8.7 The playing field and the children's playground, next to the village hall and The Rose Inn, are enjoyed by local people and provide the venue for the village festival (complete with

lots of races for all ages), concerts and sports activities in warmer months. Land for the allotments was bought and fenced to keep out rabbits after the responses to the 2012 survey for the Parish Plan indicated an interest locally in having such a facility. All kinds of produce and flowers are now grown and shared within the community. The allotments also provided the venue for a well-attended BBQ in the summer. For some years there have been ideas around a possible project to develop a new car park behind the village hall. The land behind the village hall lies outside the settlement boundary. A planning application (R19/0753) was submitted in April 2019 for a new car park for 16 cars and 2 disabled vehicles on part of the village hall garden and adjoining land, plus a new access road between the car park and Main Street.

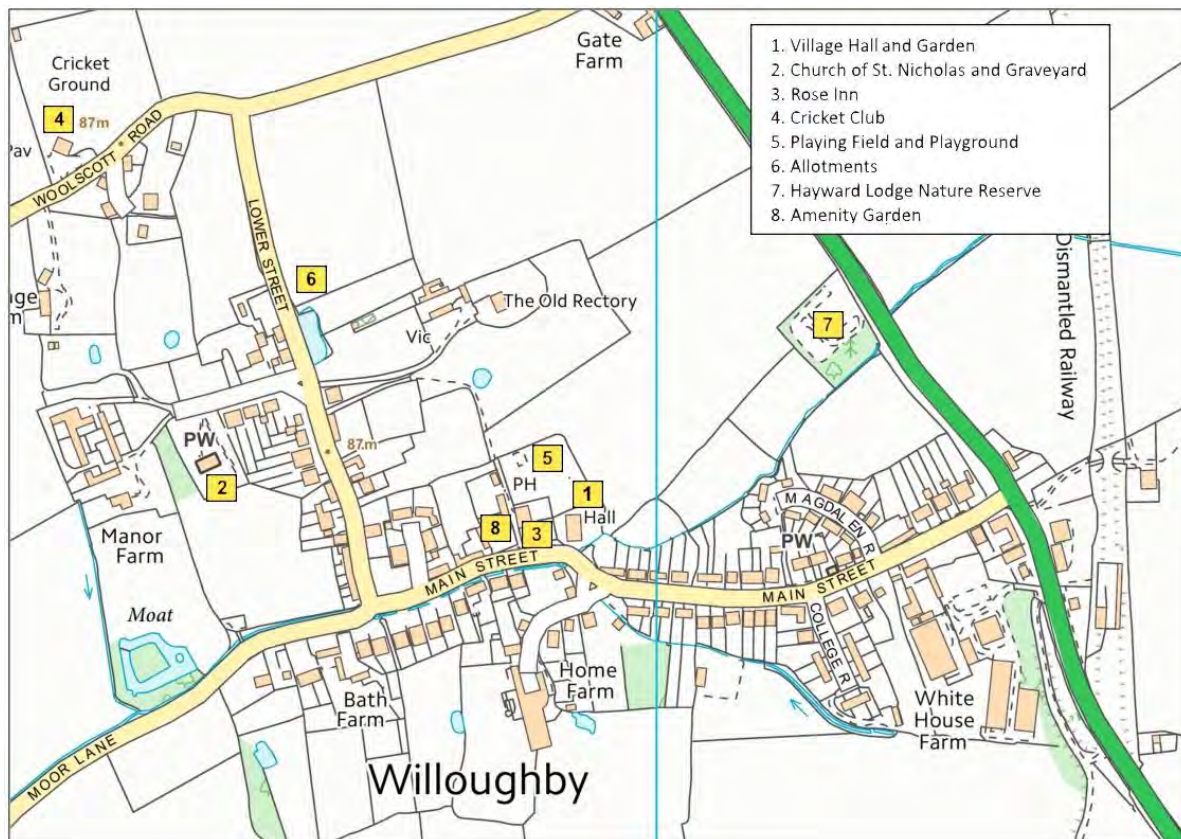
- 4.8.8 Two local charities give grants for various purposes. The Willoughby Education Foundation awards grants to village residents under the age of 25 for extra curriculum educational activities and to schools attended by village students. This includes textbooks for further education, educational school trips, sports clubs, computers and music studies. Under the Willoughby Charity a limited number of funds are available for discretionary grants for help with personal expenditure such as spectacles, dentures and other specialist items.
- 4.8.9 A great deal of information about the parish is provided on the Parish Council website<sup>14</sup>, together with minutes from Parish Council meetings so that people can find out what local issues are being addressed and what progress is being made. The website also gives information about the Community Emergency Plan and the Flood Action Plan. Both of these are reviewed and updated annually. The online resource [www.willoughbyweb.net](http://www.willoughbyweb.net) is a parish web site and repository of online archive/local history material including back editions of the Willoughby Monthly.
- 4.8.10 The Willoughby Monthly is the parish newsletter. It has been produced by a local resident since September 2008 and is distributed to every house in the parish. It contains an editorial, a calendar of local events each month, short articles from different organisations and groups about forthcoming events, activities and matters of note affecting the parish, as well as contact details for Neighbourhood Watch and the Police.
- 4.8.11 There is now, unfortunately, no regular bus service along the A45 so local people have to use their cars or vans to access most services. There is a public bus to/from Rugby three times a week on Monday, Thursday and Friday mornings and school buses take children to and from schools in Rugby.
- 4.8.12 NDP Policy W10 seeks to protect existing facilities (as identified on Map 8) and supports investment in new facilities in Willoughby.

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<sup>14</sup> <https://www.willoughbyparishcouncil.org/>



**Map 8: Local Community and Recreation Facilities**



**Policy W10: Protecting Existing Community and Recreation Facilities and Supporting Proposals for New Facilities and Services**

Existing Community and Recreation Facilities

The following local facilities in Willoughby (as identified on Map 8) are identified as existing community and recreational facilities:

- Village Hall and Garden
- Church of St. Nicholas and Graveyard
- Rose Inn
- Cricket Club
- Playing Field and Children’s Playground
- Allotments
- Hayward Lodge Nature Reserve
- Amenity Garden

Proposals for the use or the redevelopment of the existing community and recreational facilities for health, education or other community uses will be supported. Proposals for the change of use of the existing community and recreational facilities to other uses will not be supported unless either of the following circumstances can be demonstrated:

- A. The sites are accessible by various means of transport including walking and cycling and have adequate car parking, or
- B. There is no longer a need for the facility, and this can be robustly demonstrated in accordance with Local Plan Policy HS3.

#### Proposals for New Community and Recreation Facilities

Development proposals which would contribute towards the improvement of existing or provision of new health, education or community type uses to meet local needs will be supported where they:

1. Demonstrate that they meet the needs of the population; and
2. Incorporate a design that is appropriate to a rural location in terms of scale, siting and massing, and
3. Ensure accessibility for all through provision of adequate car and cycle parking and safe pedestrian and cycle access.

#### **Local Green Spaces**

4.8.13 The Issues and Options consultation document set out the NPPF criteria for designating areas as Local Green Spaces and asked for suggestions of what to include. The revised 2019 NPPF para. 100 sets out that '*The Local Green Space designation should only be used where the green space is:*

- a) in reasonably close proximity to the community it serves;*
- b) 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; and*
- c) local in character and is not an extensive tract of land.'*

4.8.14 The Steering Group has considered all the suggestions, as well as other possible areas, at great length and has come to the conclusion that none meet all the criteria as required in the NPPF for designation as a Local Green Space. Almost all of the areas suggested by

respondents are, however, covered in other policies in the NDP such as W1: Protecting and Enhancing our Rural Landscape, W4: Green and Blue Infrastructure in Willoughby and W10: Protecting Existing Community and Recreation Facilities and Supporting Proposals for New Facilities and Services.

## 5.0 NDP Review

- 5.1 The NPPF sets out at paragraph 14 a set of specific circumstances where development which conflicts with a neighbourhood plan should not be permitted. Some of these circumstances are outside of the control of the Parish Council and relate to housing delivery across the Borough as a whole. However two of these criteria are specific to the neighbourhood plan itself; if a neighbourhood plan contains policies and allocations to meet its housing need and if it was made two or less years ago. The current iteration of the Willoughby neighbourhood plan does not allocate housing but it is felt it would be prudent to carry out a review of the plan on a two year cycle to ensure it remains up to date. As such, a review of the policies within the plan will take place at the latest two years after the date of adoption and every subsequent two years.

## 6.0 Non-Planning Issues and Concerns

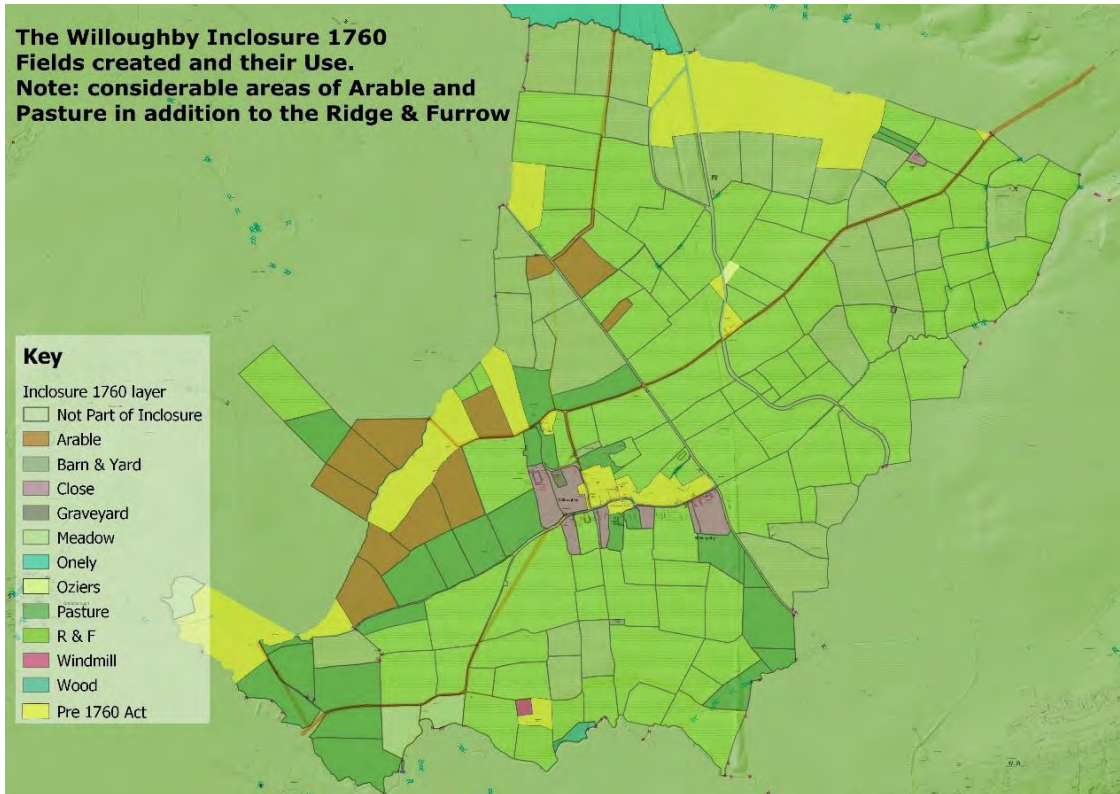
- 6.1 The Parish Council has collated all the responses about non-planning issues and published a Responses and Proposed Actions document on 30 August 2018. This document is available on the Parish Council website in the Neighbourhood Plan section (Plan Progress) at

<https://www.willoughbyparishcouncil.org/copy-of-neighbourhood-plan-1> .

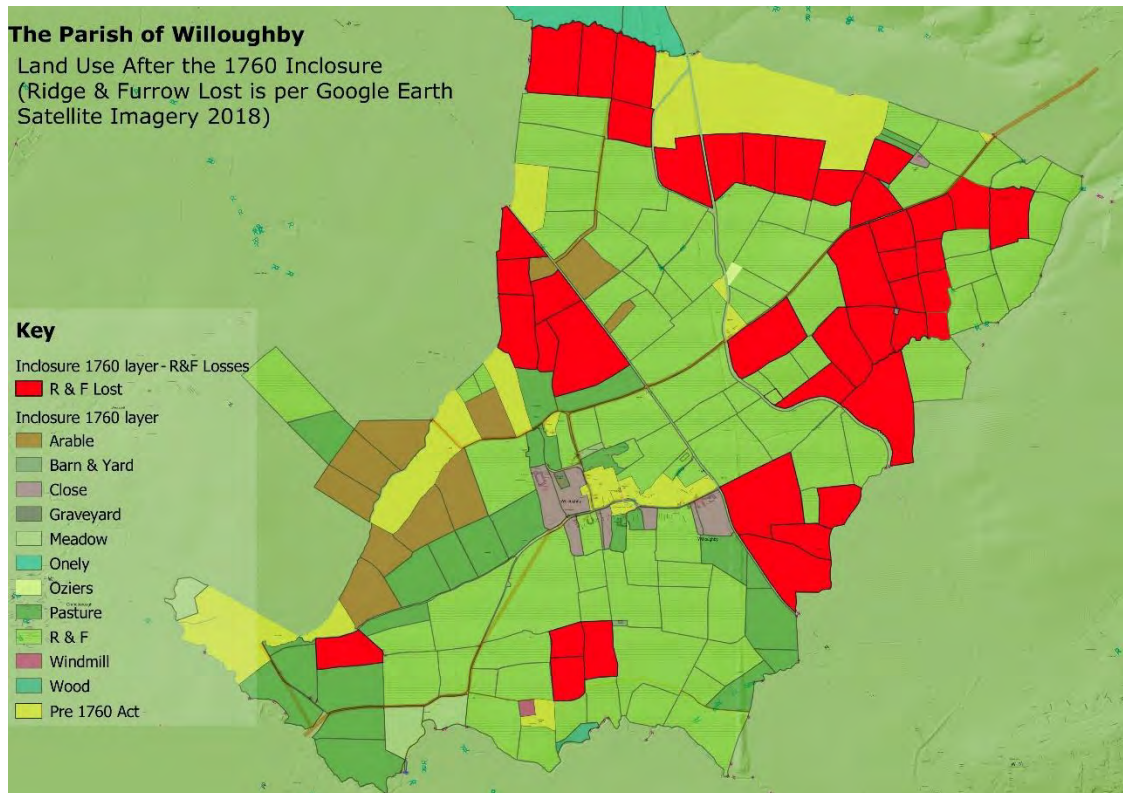
## Appendices

Appendix 1 Historic Landscape Character

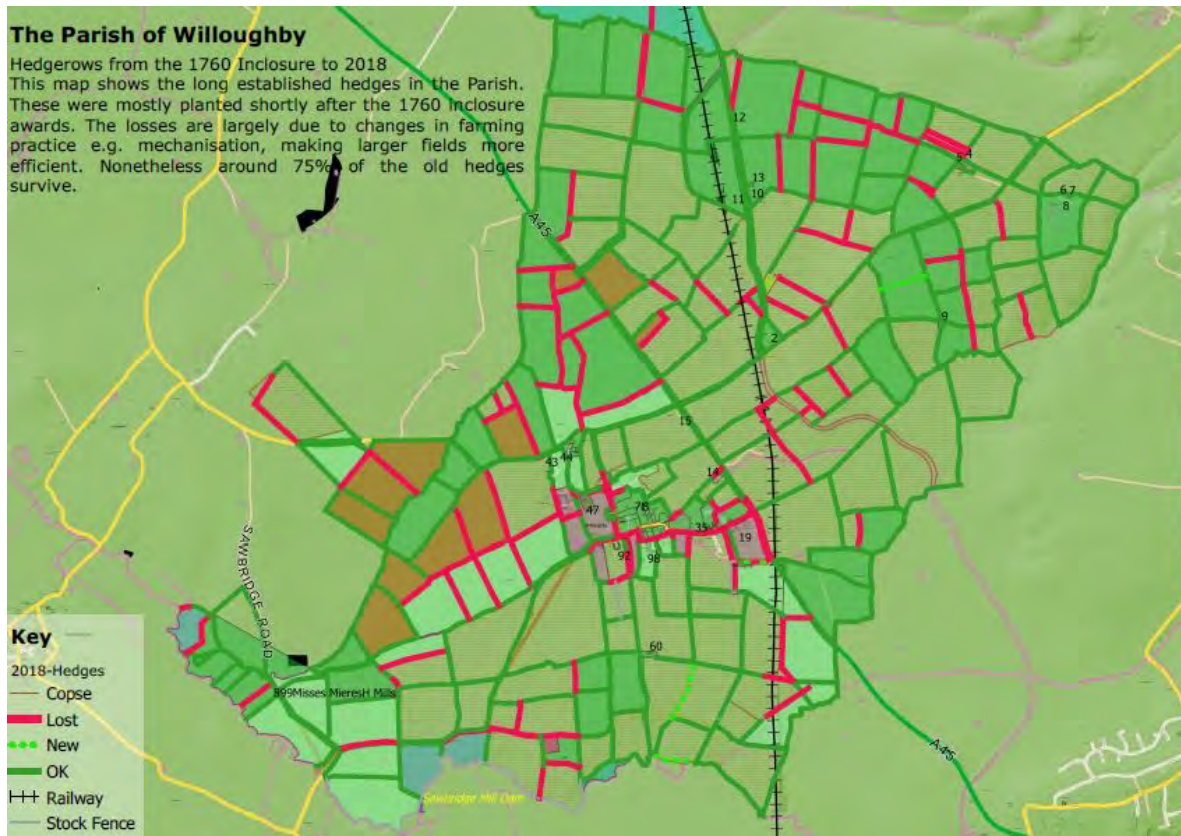
Map 9: Inclosure 1760 plus ridge and furrow



Map 10: Land Use After 1760 Inclosure including remaining ridge and furrow



Map 11: Hedgerows





Appendix 2 Listed Buildings in Willoughby Parish<sup>15</sup>

WHITEHOUSE FARMHOUSE

List Entry Number: 1365063

Heritage Category: Listing Grade: II

Location: WHITEHOUSE FARMHOUSE, MAIN STREET, Willoughby, Rugby, Warwickshire

<https://historicengland.org.uk/listing/the-list/list-entry/1365063>

THE SMITHY

List Entry Number: 1034926

Heritage Category: Listing Grade: II

Location: THE SMITHY, 28, MAIN STREET, Willoughby, Rugby, Warwickshire

<https://historicengland.org.uk/listing/the-list/list-entry/1034926>

MANOR FARMHOUSE

List Entry Number: 1365062

Heritage Category: Listing Grade: II

Location: MANOR FARMHOUSE, BROOKS CLOSE, Willoughby, Rugby, Warwickshire

<https://historicengland.org.uk/listing/the-list/list-entry/1365062>

THE ROSE PUBLIC HOUSE

List Entry Number: 1116423

Heritage Category: Listing Grade: II

Location: THE ROSE PUBLIC HOUSE, MAIN STREET, Willoughby, Rugby, Warwickshire

<https://historicengland.org.uk/listing/the-list/list-entry/1116423>

VALE HOUSE

List Entry Number: 1116428

Heritage Category: Listing Grade: II

Location: VALE HOUSE, LOWER STREET, Willoughby, Rugby, Warwickshire

<https://historicengland.org.uk/listing/the-list/list-entry/1116428>

Moated site S of Manor Farm House

List Entry Number: 1404858

Heritage Category: Scheduling

Location: Willoughby, Rugby, Warwickshire

<https://historicengland.org.uk/listing/the-list/list-entry/1404858>

CHURCH OF ST NICHOLAS

List Entry Number: 1116454

Heritage Category: Listing Grade: II\* Location: CHURCH OF ST NICHOLAS, BROOKS CLOSE, Willoughby, Rugby, Warwickshire

<https://historicengland.org.uk/listing/the-list/list-entry/1116454>

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<sup>15</sup> See Historic England statutory list <https://historicengland.org.uk/listing/the-list/>

Map 12: Location of Designated Heritage Assets

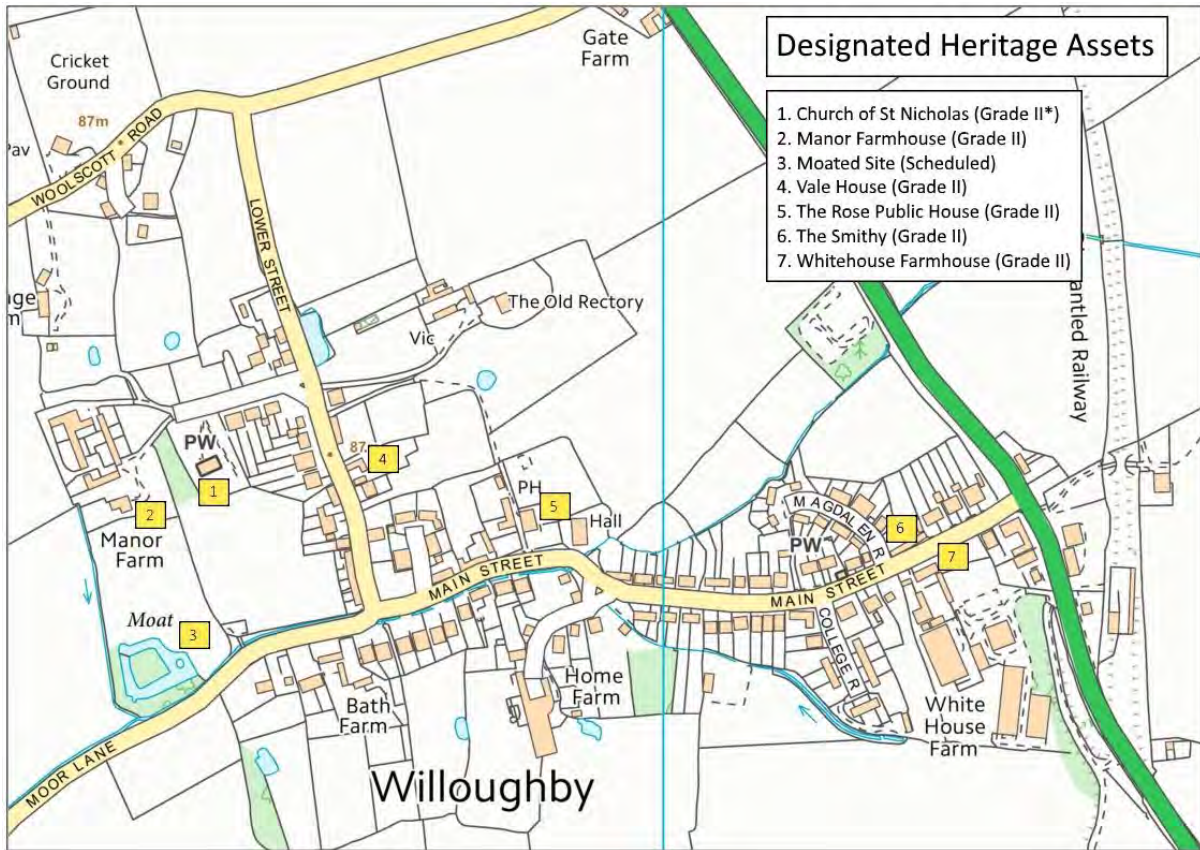


Figure 2: Photographs of Designated Heritage Assets



1. Church of Saint Nicholas (Grade II\*)



2. Manor Farmhouse (Grade II)



3. Moated Site (Scheduled)



4. Vale House (Grade II)



5. The Rose Public House (Grade II)



6. The Smithy (Grade II)

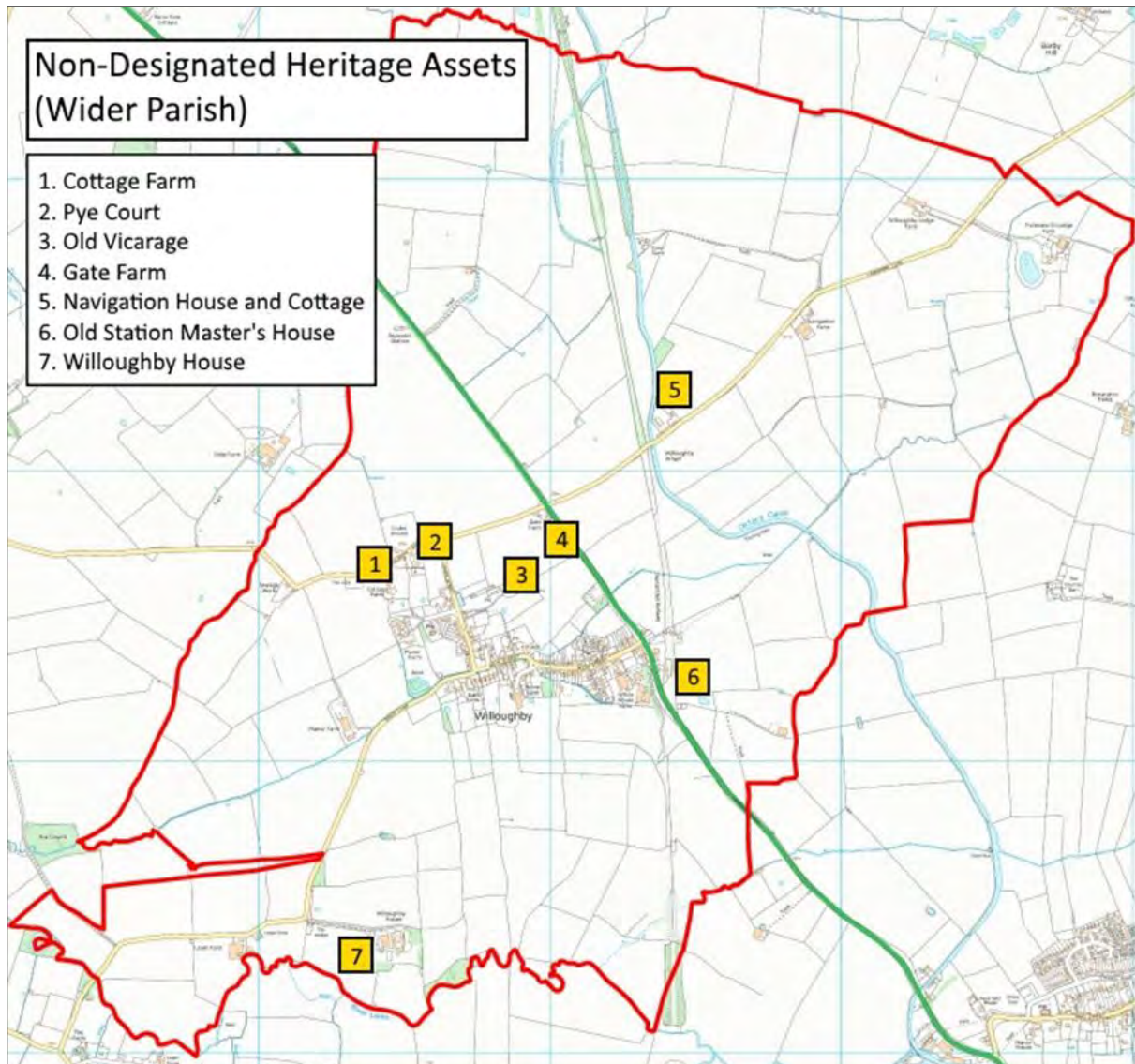


7. Whitehouse Farmhouse (Grade II)

Appendix 3 Proposed Non-Designated Heritage Assets

This appendix is in two sections - heritage assets in the wider parish and those found in the village. Sources used to provide information about these assets can be found on page 86.

Map 13: Proposed Non-Designated Heritage Assets (Wider Parish)



**Justification for Proposed Non-Designated Heritage Assets in the Wider Parish**



**1. Cottage Farm**

This farm was never part of the Magdalen College Estate. In 1760 it is recorded as freehold and the owner as Edward Shaw. Later, it came into the possession of a branch of the Ellard family who were still there in 1939.

The original house was a single storey cottage built in the Georgian period (1714 - 1830).

The metal braces and bolts used to secure the old beam in the kitchen behind the living room suggest that this part of the house was added in the late 1890s or early 1900s. During the 1930s, the then owner added the upper floor but, instead of building an internal staircase, he used a ladder outside to access his bedroom for many years. Only when a lady friend entered the picture was a staircase added to the house.

The ground floor of the existing main house still has the walls of this original cottage at the front and on the other side of the living room through the middle of the house. One gable end also remains. These solid walls are built of extremely hard, hand-formed clay bricks.

The building on the left is on the site of an old milking shed but has subsequently been completely rebuilt. A local resident remembers being sent by his mother across the fields each morning to fetch the milk from here when he was a boy during the 1940s.

The old records show the footpath from opposite the Church and then continuing to Woolscott Road as the drive does today. There is no evidence of a farm track following that line.



**2. Pye Court**

Pye Court is a small hamlet of five houses. The name Pye Court is a corruption of Pycrofts after the man that owned the land long ago.

Further along Pye Court, two detached houses (Stonewell and Marlin) were built in the 1960s on the sites of three very basic cottages of cob and thatch construction which were condemned in the early part of the 20<sup>th</sup> century.

A 2015 watching brief report by Archaeology Warwickshire at Stonewell notes *'The remains of post medieval (1540-1750) cob walls from a cottage demolished in the 20th century and an associated hearth ....'*

The strip of land on the right of Pye Court was a link for Green Farm to its land on the other side of Woolscott Road. Green Farm was next to Ivy House Farm and was not part of the Magdalen College estate.

<p>The houses on the left at the start of Pye Court were originally a terrace of four cottages built in 1860 which were converted into two by 1910. The shape of the doors blocked up as part of the conversion can still be seen on the facade.</p> <p>The current owner, Mr Eric Palmer, was born in 1936 and has lived in one or other of the cottages all his life, apart from his time doing national service.</p>	<p>The Green Farm house was condemned in the first half of the 20<sup>th</sup> century and the land sold off. The portion on the right of Pye Court was developed as a house and specialist fuchsia and pelargonium nursery in the second half of the 1950s. The alignment of the roadway changed during this time to reflect the changed positions of the houses.</p>
 <p><b>3. The Old Vicarage</b></p> <p>The Old Vicarage was constructed in 1836. It replaced an earlier vicarage located on Main Street near the Lower Street and Moor Lane junction. At the time of enclosure the Church exchanged land with another land owner to acquire the land that the Old Vicarage stands on. The plot stretched from the house to Lower Street and included the land that the house on the right of the drive now stands on.</p> <p>The house was constructed for the Rev. Richard Tawney who was the second son of a notable of Dunchurch as the previous vicarage was considered unsuitable. After Rev. Tawney's death in 1848 the contents were sold at auction. The advertised lots show the house was furnished in some style!</p>	<p>The house is of brick and slate construction and of 'neo-classical' Georgian style though strictly speaking it post-dates the Georgian era. The property also includes a substantial coach house from the same date. A rendered portico was added to the front of the house some time later in the 19th century. As built, the house had a large domestic wing attached to the north elevation. This was largely, though not entirely, demolished in the 1930s.</p> <p>The house was sold by the Coventry Diocese in 1978, when the new Vicarage was built in what used to be the kitchen garden of the main house. The American actor and singer David Soul lived in The Old Vicarage briefly in the early 1980s.</p> <p>The Old Vicarage was bought by the present owners in 2006. Shortly afterwards, the small remaining part of the domestic wing (the kitchen) was extended, replicating part of the footprint of the original, larger north-west wing which was mostly demolished in the 1930s. In September 2018, planning permission was granted to build a large extension which would encompass the kitchen extension and echo the historic massing of the old wing.</p> <p>The gardens have a national Sites &amp; Monuments Records in the Warwickshire HER and are designated for 'pleasure grounds with shrubbery, walks, paddock, kitchen garden.'</p>



#### 4. Gate Farm

The 1760 Inclosure Award indicates that, as well as a farm, a public house known as the New Inn existed on this site. At this time an inn or public house would have often been little more than a sparsely furnished room in a house where the residents brewed ale. That was likely the case here where the drinking room was upstairs. Around the turn of the 20<sup>th</sup> century there was a shop, reputedly a butchers/grocers, and later a sweet shop (in the left-hand portion of the building). On the right of the building the original stable can be seen.

The New Inn's position on the crossroads made it quite popular in coaching days as a secondary hostelry to the Three/Four Crosses further south.

By August 1929, Richard George Hobley had taken on the tenancy. He is referred to in an article in the Rugby Advertiser which notes that three youths were charged with breaking and entering. In 1952, Mr Hobley bought the freehold of his farm from Magdalen College. When he died in 1975 his son 'Rolly' and daughter Betty took over farming until their deaths in 1999 and 2013 respectively. Roland and Betty never married and on Betty's death the farm was left to Brian Williams who had farmed the land with Betty in her later years.

It is likely that the farm changed its name to Gate Farm when the Hobleys took over as they seem to have been quite religious and so may not have approved of the connotations of a pub.

The photograph shows how much the road has been built up since the early 1900s so that now vehicles drive past halfway up the down- stairs windows. This has led to flooding into the house on a few occasions due to the drains under Longdown Lane being blocked by tree roots allowing water to build up in the corner of the field opposite and then flood over the road.



#### 5. Navigation House (Inn) and Cottage

The Oxford Canal was finally completed in 1790 and these two buildings may have been built

From at least 1876 to around 1900, the Mills family, who ran the inn and stables, also earned their living as farmers and coal merchants. From 1900, they continued as farmers but the coal merchant business is no longer mentioned.

From around 1912-1928, Frank Davenport took over the running of the inn and the farm. The tenancy then passed to Thomas Smith during the 1930s and 1940s. There is no indication that he was a farmer. By the early 1950s, Mr and Mrs Dawson ran the inn but presumably it was not profitable as it was finally closed by the brewery at Easter 1953.

During the first half of the 20th century the 'Navy' (its local name) was one of a large



while the canal was under construction or soon afterwards. They had certainly been built by 1812 and were originally used by boatmen and canal workers as an inn and stables for their horses.

The area around the inn contained wharfage for coal and agricultural supplies and for lime from kilns nearby used by farmers and for building in the heyday of canal traffic (1800-1940). The road in front of the properties gave immediate access from the canal to the local road system in any direction.

number of public houses owned by a Brackley and Northants firm of brewers who were later incorporated with the Chesham and Brackley Breweries. The latter finally sold the whole property as late as 1959 to the proprietor of a Kenilworth Hotel for £1,700. As well as the inn, its adjacent buildings and the wharf, the sale included over two acres of land.

Subsequently, the stables have been converted into Navigation Cottage and various extensions and modifications made to the ex-Inn and its buildings.

*Note: Navigation Cottage (Stables) are in the foreground with Navigation House (Inn) further up the road.*



**6. Old Station Master's House**

Apart from the abutments of the railway bridge that used to span the A45, the Station Master's House is the only memorial to the Great Central Railway line (later the LNER) which travelled through the parish on its route from Sheffield to Marylebone in London.

The line was brought into use on 18 March 1899 with commercial coal traffic and the station master's house was built just before in 1898.

The station was originally called just Willoughby Station but the name was changed to Braunston and Willoughby in 1904 when the Great Central found that the village of Braunston was providing the majority of business for the new station.

Although popular locally for getting to Rugby and Leicester in particular, the line was not profitable and closed to passengers and goods on 1 April 1957. The most notable service was 'The Master Cutler' express from London to Sheffield which passed through each evening and indicated bedtime for village children!

The station buildings were demolished and removed during 1961-62 and the main line itself was closed in 1966. The Station Master's house has survived intact and is now a private residence.



### 7. Willoughby House

During the 1720s there was a windmill on part of the elevated site of Willoughby House which may have dated from medieval times. In 1760 the Inclosure Award notes three gentlemen owners John Clarke Snr & Jnr and Robert Brown.

In 1796, a sulphurous and saline spring was discovered which was eventually brought to a well-head in 1824. No doubt the water was similar to that of the New Willoughby Baths, which opened later on the High Road nearby, that was analysed and found similar to those of Harrogate.

The Bath Hotel was erected shortly afterwards in 1827 and prospered as it was widely believed that the spa waters would cure gout, rheumatism and skin complaints.

A Whites Directory entry in 1850 advertises the baths on behalf of the then owner Mr Edmund Edmunds as offering 'comfortable accommodations, with board and lodgings on reasonable terms at his large and commodious farmhouse'.

The hotel passed through various hands and names but was never a financial success.

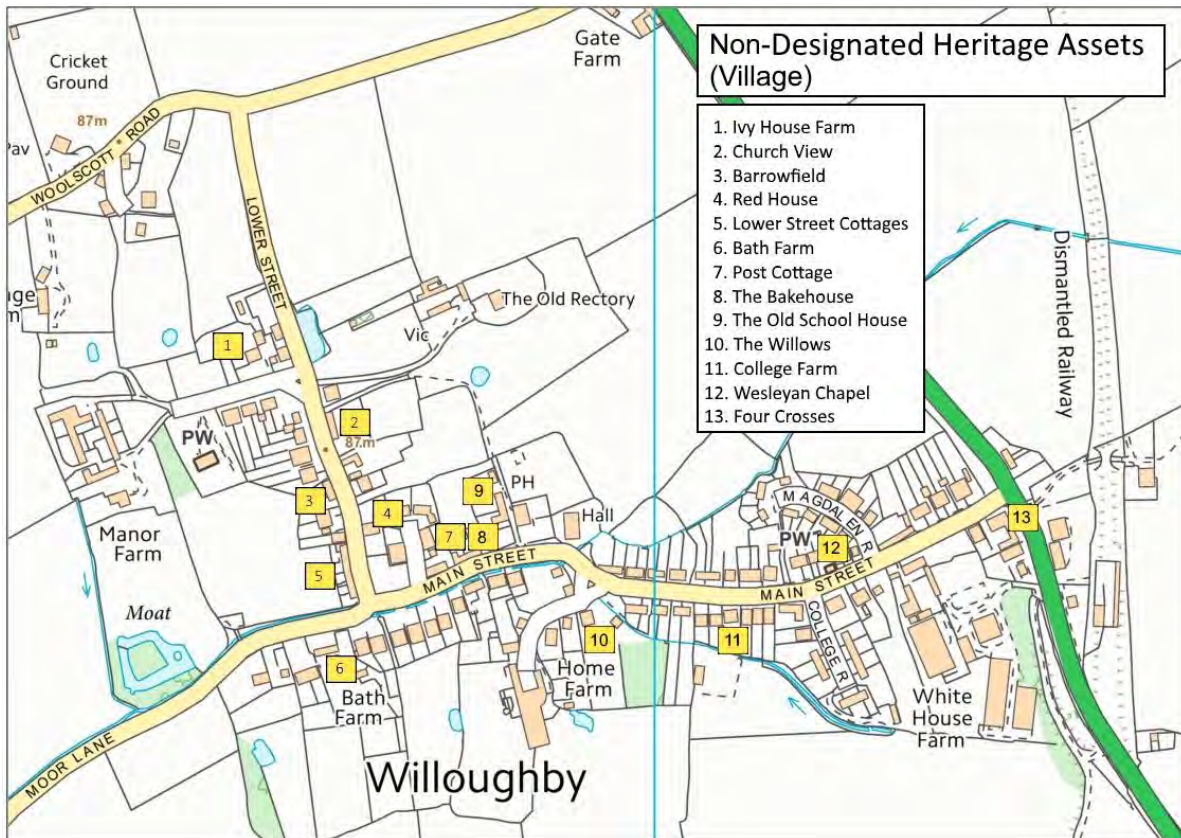
Whites Directory in 1876 says that some twelve years before (around 1864), Major Francis Mason, J.P. bought the estate and built a handsome mansion on the site of the Old Bath Farm. It notes that 'the spring still remains and is visited occasionally on account of its medicinal virtues but the baths are now extinct'.

Over the years since 1864, various owners have extended and improved the mansion so that today it is a large and imposing dwelling.

Interestingly the property was requisitioned in the Second World War and used as a repository for the valuables from St. Mary's Hall in Coventry.

Both the house and the gardens have national Sites & Monuments Records in the Warwickshire HER. The gardens are designated for 'the pleasure grounds, walks, parkland/paddocks and kitchen garden'.

Map 14: Proposed Non-Designated Heritage Assets (Village)



**Justification for Non-Designated Heritage Assets in the Village**



**1. Ivy House Farm**

Ivy House Farm was one of the Willoughby farms owned by Magdalen College, Oxford. It was farmed by the Ivens family as their tenants for many years.

Initially the tenant was Henry (d1895) and then

The tenancy passed to Sidney (Sid) George Ivens, the son of William Henry and Mary Ann, sometime between 1939 when Sid is noted as living at the farm and 1949 when his mother died.

Sid retained the tenancy until July 1952, when the college sold the farm including the house, other buildings and 129 acres of land to his uncle, William Johnson, for £5,350. Sid then continued as his tenant until December 1972 when Mr Johnson died.

By April 1974, the farm had been split up and sold. The farmhouse and some land was sold to Tony Marlow. He later sold off the farm buildings which were developed as Ivy Barn and Northcote House on Lower Street and the farmhouse and some land to the current owners in the 1990s. Since then the original farmhouse has been substantially enlarged with

his widow Sarah Ann (d1915). They were followed by their sons William Henry (d1929) and Frank (d1938) and William Henry's widow Mary Ann (d1949).

a two-storey extension on the left-hand side.

*Note: The village settlement boundary passes through the kitchen and breakfast room of Ivy House Farm which means that the Aga is situated in the open countryside while the washing machine remains in the village!*



## 2. Church View

The deeds for the house in the owners' possession only go back to 1860 but they believe the property was built in 1640 as two cottages and had a thatched roof. The cottages were subsequently converted into one property. The door to the second cottage can still be seen on the facade.

The white barn on the left is marked as being a Methodist Chapel (Wesleyan) on an 1880s map.

Large scale OS maps, used by the Inland Revenue Valuation Office to record the 1910-15 valuation survey, show that Church View was owned by the Church and that James M Hancock lived there. Subsequent records show that members of the Hancock family lived at the house for over thirty years from 1946.

The family were Primitive Methodists, a religious group that merged with the Wesleyans in 1932, and were stalwarts of the Daventry Methodist circuit.

The thatched roof of Church View went up in flames in about 1950 when the then owner, Fred Hancock, decided to repaint the windows and set light to the thatch with a blow lamp. An old photograph from 1920 shows the two left-hand windows upstairs which are now dormers were where the original windows sheltered under the thatched roof.

The road in front which is now Lower Street was previously called Church Street and the deeds show a direction to the railway station.

The current owners bought the house from Queenie Hancock in 1979.



Ernest Holland Johnson arrived at Barrowfield in 1879 and was subsequently sent by Magdalen College to learn to be a wheelwright, a trade that would have been important on the Magdalen estate. He died in 1909 and Mr W G Reynolds moved in.

Mr Reynolds was the village carpenter and undertaker and combined this business with running the post office which included taking in and delivering telegrams to Willoughby and Grandborough.

**3. Barrowfield**

During renovation work, evidence of a wattle and daub cottage with a door to the road was found in the middle of Barrowfield, where the kitchen is now. Almost certainly, this dwelling dates from at least the early 1800s.

In the 1860s or 1870s, the cottage was incorporated into a much larger red-brick building built by Magdalen College, Oxford who were the owners at that time.

From 1940, Jim and Connie Hall, the current owner's parents, lived in Barrowfield and Jim worked for the Ivens family on Ivy House Farm for many years. In addition, he was the village milkman from 1940 to the late 1960s.

In 1971, the current owners established a village shop and newsagent in the building attached to the left of Barrowfield. The village shop and newsagent eventually closed in 1988 with the advent of supermarkets and the hairdresser's, which had been upstairs, moved downstairs. This business, together with a beauty salon, continues successfully today run by Mr and Mrs Hall's daughter-in-law.

Barrowfield is now a private residence.



**4. Red House**

Red House was not part of the Magdalen College Estate. There are unregistered deeds and information going back to 1876 which refer to a cottage and slaughterhouse yard.

The name of the house refers to its use as a slaughterhouse for the farm next door.

The large scale OS maps used to record the 1910-15 valuation survey clearly show the main L-shape building facing the road and a range of buildings of varying sizes extending back along the left-hand boundary. At the time of the survey Mrs. G. Cowley was the occupier and the property was in the hands of Piddock & Co who were executors of the former owner.

Internally there is evidence of a much earlier one-up, one-down cob cottage (now the dining room).

Sid Ivens, who later lived and worked at Ivy House Farm for many years with his family, was born to parents William Henry and Mary Ann Ivens in Red House in 1913.



### 5. Lower Street Cottages

These seven roadside houses are among the oldest in the village. It is thought that the original buildings dated from before the enclosure in 1760 but were probably cob cottages at that time. They were rebuilt in brick using largely standard size bricks probably in the 1820s. Many of the cottages were built from an assortment of whatever was easily obtained locally - cob, stone, bricks and pieces of wood which is consistent with the replacement of older properties.

Floor levels vary from one cottage to the next and the view from the back shows where outhouses used to be. The cottages now have overlapping rear extensions that stray into neighbours' gardens for historical reasons when boundaries were more fluid and planning regulations less obvious. Windows were acquired from other buildings or made to fit particular spaces and, even today, an example of this mismatch of sizes and styles can be seen with the windows at No. 3, Rosebud Cottage.

The cottages were originally thatched but, following a fire in 1926 which burned No. 3 down and damaged surrounding cottages, the roofs were tiled. The whole row was condemned in the 1950s, but unlike other houses along the road, these seven gained a reprieve to provide homes for villagers today.

In the 1960s, Mr Gurney who had a shop in Braunston set up a village shop in the third cottage from the left. Subsequently, the owner of No. 3 next door took this over until a new shop was set up by the Halls at Barrowfield, further along the road, in 1971.



### 6. Bath Farm

Bath Farm and the tied cottage further along Moor Lane (once known as Gothic Cottage) were built in the 1850s and were owned by Magdalen College.

The farm was rented by the Hall family from 1899 until 1952 when John Hall bought the farm, the cottage, other outbuildings and 115 acres as a lot from the College for £5,000. At one time it was the only farm with arable land apart from the Manor.

After John's death at an early age, the farm was bought by Henry Nicholls who then sold the land in smaller parcels.

Major renovation, retaining the character of the original farmhouse, was started by the current owners, Mr and Mrs G Whitworth, in 1988.

Gothic Cottage is now known as Bath Farm Cottage and was bought recently by the owners of Bath Farm for their daughter. Planning permission has subsequently been granted to demolish the cottage and to build a new, larger family dwelling and garage.

The name Bath Farm is a bit of a mystery although many wells exist in and around the farm. There is an engine driven pump house behind the cottage which was used to pump water to Willoughby House.



### 7. Post Cottage and 8. The Bakehouse

The histories of Post Cottage and The Bakehouse are intertwined. Originally, the terrace was three properties. On the left was the property now known as Post Cottage, in the middle was what became the post office in the mid-1930s, and to the right, the bakery (without the later two-storey extension).

The front door of The Bakehouse is now in the place of the two original front doors which were side by side, one for the post office and one for the bakery.

From at least 1876 to the 1940s, the terrace was owned by the Thompson family who were bakers and shopkeepers. By 1936, they no longer ran the bakery but instead ran the post office as well as their shop, presumably taking over the post office business from Mr Reynolds in Barrowfield.

In 1940, Cyril Dodd is noted as the village baker. He and his wife, Dina, ran the bakery for many years and lived in one of the semi-detached houses across the road. A map of houses and their residents around 1950-1952 notes that the Post Office was, by then, run by Mr and Mrs Goodacre and the Bakehouse was still run by Mr & Mrs Cyril (Pudding) Dodd.

As well as providing bread and other baked goods, Mr Dodd also used his ovens to help local people in a different way. Larger families in the village used to take their joints of meat to the bakery to be cooked, especially at Christmas time.

Ill health eventually forced the Dodds to retire and the bakery then passed to Michael Childs. He ran it until 1984 when he closed the bakery as he could no longer get the correct fuel to heat the ovens, due to a coal strike at the time, and alternatives were too expensive.

By the 1950s, the village no longer had a grocer's shop but was served by a mobile shop provided by John Gurney from Braunston in his lorry. During the same period, Mr Ken Gealy bought the terrace and split it into two rather than three properties, incorporating the middle post office section into Post Cottage.

From 1988, Peter Montgomery lived in Post Cottage where he ran the village shop, after the shop at Barrowfield closed, and from where he also ran the post office. This finally closed in 2002 and was the last time Willoughby had its own post office.

In the 2000s, the current owners bought and renovated The Bakehouse. Subsequently they also acquired Post Cottage after the death of Mr Witney. This allowed them to change the rear access to the Post Cottage which previously ran through the Bakehouse garden close to the house. They then sold Post Cottage into separate ownership with a smaller parcel of land.

The new owners of Post Cottage completely refurbished the property and also acquired a small strip of land to form an access, to the left of the property, from Main Street to the rear of the property.

*Note: The first post office, before the one in Barrowfield or the one to the right of Post Cottage, was in a small cul-de-sac called Bakers Lane. This was near today's footpath running from Main Street to the end of Magdalen Road. The Lane had several small hovels as well as a baker's and the Post Office. They were most probably condemned and had to be demolished.*

*The Bakers Lane Post Office was run from at least 1876 to 1909/1910 by George Malin who was also a shoemaker and shopkeeper.*



### 9. The Old School House

In 1816, a school and a schoolhouse were built at a cost of £430 and a schoolmaster and mistress were housed rent-free at a salary of £40 per annum. There is a stone tablet above the door of the Old School House commemorating the date.

The school was built and run by the trustees of the Village Charity, initially endowed by charitable donations from John and Margaret Hayward in 1437. In addition to financing the school, the trustees utilised the income from its investments and land it owned toward the relief of the poor, repair of the Church and improving the facilities in Willoughby.

The school educated boys and girls of the poor and was funded by the charity until it was taken over and run by the County Council.

The number of children attending the school decreased in the 1970s and the school was finally closed in July 1977 after 161 years. The building has since been divided and sold as two private residences - The Old School House and Woodstock House.

The charity received a lump sum from the County Council after the sale as it still owned the land and original buildings. The Charity was reorganised into two - one an educational foundation and the other a general one. The charity has a long, and sometimes turbulent, history that reduced its wealth considerably but it still exists today benefiting the people of Willoughby.

As well as being a school, from 1888, a 'reading room' was established in the building when a new classroom was built. By paying a subscription local residents could go and read newspapers (including The Daily Telegraph and The Daily Mirror) and play cards. This was also the village function room until the Village Hall was opened in 1933.



### 10. The Willows

A building has stood on the site of The Willows for several hundred years. The original building would have been a single-storey farm dwelling at the east end with stone foundations, some of which are still evident, and a cow byre at the west end. The stone outer wall of this byre

The property was converted into a pair of two-storey farm dwellings in the early 1800s. The construction was in local brick, retaining some of the old stonework. The roof, which remains unchanged apart from new tile laths and sarking felt is of original thumb tiles, having no nails to secure them, only a central nib created by the tile maker's thumb. The house contains beamed ceilings and a large inglenook fireplace still exists in one of the rooms, surmounted by a beehive chimney in the room above.

Although Thomas Newbold died in 1873 his estate was not sold off until 1918, when the cottages were bought by John Johnson who farmed at the Manor. The cottages, along with other land, were sold to Magdalen College with sitting tenants Owen Hancock and Mrs Drinkwater in 1938. The College then sold the properties to Cecil Brittain in 1948. By this time the only sitting tenant was Mrs Drinkwater.



remains as the inner wall of the present house and still includes the bottom rail of a hay manger. The back wall of this part of the building was cob of which a small section still remains.

The dwelling was part of the Thomas Newbold Estate. Newbold was a significant landowner in the village, whilst the majority of the village was owned by Magdalen College, Oxford.

Cecil modernised the unoccupied property and incorporated the other to make a single residence after Mrs Drinkwater died.

The Brittain family lived in the property until 1972, when it was purchased by Bert and Dorothy Ogle. Since then substantial alterations have been made including building a porch to the front and additional living accommodation at the rear.



### 11. College Farm

The original farm was part of the Magdalen College Estate, hence the name. The land was part of the allocations made to the College in the 1760 Inclosure and remained in its hands until 1953 when the farm was sold as part of the College's divestment programme.

The house was built in three sections. The right-hand side is the oldest and there is a stone dated 1703 on the back with the initials HCB and WM. Later, possibly in the 19th century, the section on the left at the back was built with bigger windows. A floorboard was found in this part of the house with a list of the workmen at the time written on it.

Finally, the section on the left at the front was added in the early 20th century. The various roof lines are testament to the different construction dates.

College Farm was farmed by the Cowley family in the latter part of the 19th century. In 1903, the tenancy was taken over by Mr James Bottrell Collett and Rowland T. Collett who farmed there until 1933 when he retired to Crick. He had four sons who all went into farming on their own account.

After 1933, Mr. H. Thomas took over and held the tenancy until the College sold the farm in 1953. He was followed by Mr. Vernon Skyrme and his sister Kate. Kate Skyrme died in 1963 followed by Vernon in 1973. The farm was then sold and split up.

The farmhouse became a private house and new houses were built on the farmyard (to the left) and tennis court (to the right). The land was acquired by local farmers/landowners and added to other holdings e.g. Home Farm.

By 1989, the former farmhouse was owned by Mr Richardson.

The current owners bought the house in 2007 and carried out extensive renovations to the house and to the roadside farm office.



### 12. Wesleyan Chapel

The chapel was built on a tiny piece of land in 1898 at a cost of £250 and was intended to seat seventy people.

It was in regular use until, by 1990, the congregation had dwindled and the chapel was sold into private ownership.

A watching brief report by C. Coutts for English Heritage in 2011 notes that *'Building work to the roof revealed that a number of names were scratched into the wood with the date September 1897. Inside the Chapel the pulpit was still in place.'*

Since 1990, the chapel has been used as a recording studio and a workshop and is now a private residence.

The chapel has a national Sites & Monuments Record in the Warwickshire HER.



### 13. Four Crosses

The original inn known as the Three Crosses faced the bye-road to Willoughby Village (now Main Street). The junction has three arms, hence the Three Crosses. Later it became the Four Crosses after a visit of Jonathan Swift in 1725\*. This building was demolished in 1898.

The present building was erected in 1900 to replace the original, and now famous, Four Crosses Inn. It is likely the inn operated from a building on the site of the current Four Crosses Cottage whilst the present building was constructed.

The Four Crosses public house was closed in the mid-1960s by the owners, Phipps Brewery, upon the retirement of the landlady, Mrs. Griffiths. It was subsequently sold and used as

Jonathan Swift, English Satirist, lodged at the Three Crosses and following a disagreement with the landlord's wife, engraved onto a diamond shaped window pane the following

"There are three  
Crosses at your door,  
Hang up your wife,  
And you'll count four.  
Swift, D., 1730"

Soon after the Inn gained an extra Cross!

One of the more famous owners/landlords was William Crupper, who utilised a mineral spring in the field behind Tattle Bank to open the New Willoughby Baths (1824-1841) which were probably adjacent to the Inn which, it is reported, had a resident chemist for a time.

A novel marketing ploy for the new baths was the commissioning of Thomas Deacon to write a book 'A History of Willoughby' (1828). He also got the Royal Institution to analyse the water and received a letter from Michael Faraday reporting that the water was almost identical to that at Harrogate. Sadly, his efforts and many advertisements in newspapers ended in bankruptcy.

transport accommodation, together with two self-contained flats. The building was extended and converted into apartments in the 2000s.

*\* The date of Swift's visit is uncertain with some publications (e.g. Charles Harper, The Holyhead Road, 1902) suggesting 1730 with great authority as well as noting that scholars suggest his last visit to England was in 1727.*

## Bibliography and References

Thank you to the Willoughby Society for permission to use material from their archive.

*Material from the archive may not be further published without consent from the Society.*

*'The History of Willoughby in the County of Warwick containing an account of the Sulphurous and Saline Springs, Lately Discovered and the establishment of Hot, Cold, & Shower Baths'* (1828)

Thomas Deacon. Published by W. Clark, 60, Paternoster Row, London and available in The Willoughby Society Archives

*'Willoughby, a Warwickshire Village'* (1988), Compiled by W.L. Carlisle, S.G. Ivens, F.L. Mitchell, M.J. Reynolds, S.J. Troman, & R.J. Whitfield. The Willoughby Society Archives.

*Willoughby House History, Sawbridge Lane, Willoughby, Nr Rugby, Warwickshire and the lives of the people who lived there.* David Aston with acknowledgements to Mr Richard Hayward, Willoughby Society, Ordnance Survey, Crown.

*Warwickshire Heritage Environment Record*, Warwickshire County Council

<https://timetrail.warwickshire.gov.uk/detail.aspx?monuid=WA3074> Wesleyan Chapel

<https://timetrail.warwickshire.gov.uk/detail.aspx?monuid=WA30067> Cob walled cottage and hearth at Stonewell, Pye Court, Willoughby

<https://timetrail.warwickshire.gov.uk/detail.aspx?monuid=WA12707> The Old Vicarage Gardens

<https://timetrail.warwickshire.gov.uk/detail.aspx?monuid=WA3069> Willoughby House

<http://timetrail.warwickshire.gov.uk/detail.aspx?monuid=WA12705> Willoughby House Gardens

*WarwickshireRailways.com*, LNER Route: to Marylebone, Braunston & Willoughby Station

<https://www.warwickshirerailways.com/lner/braunstonewilloughby.htm>

<http://maps.warwickshire.gov.uk/historical/>

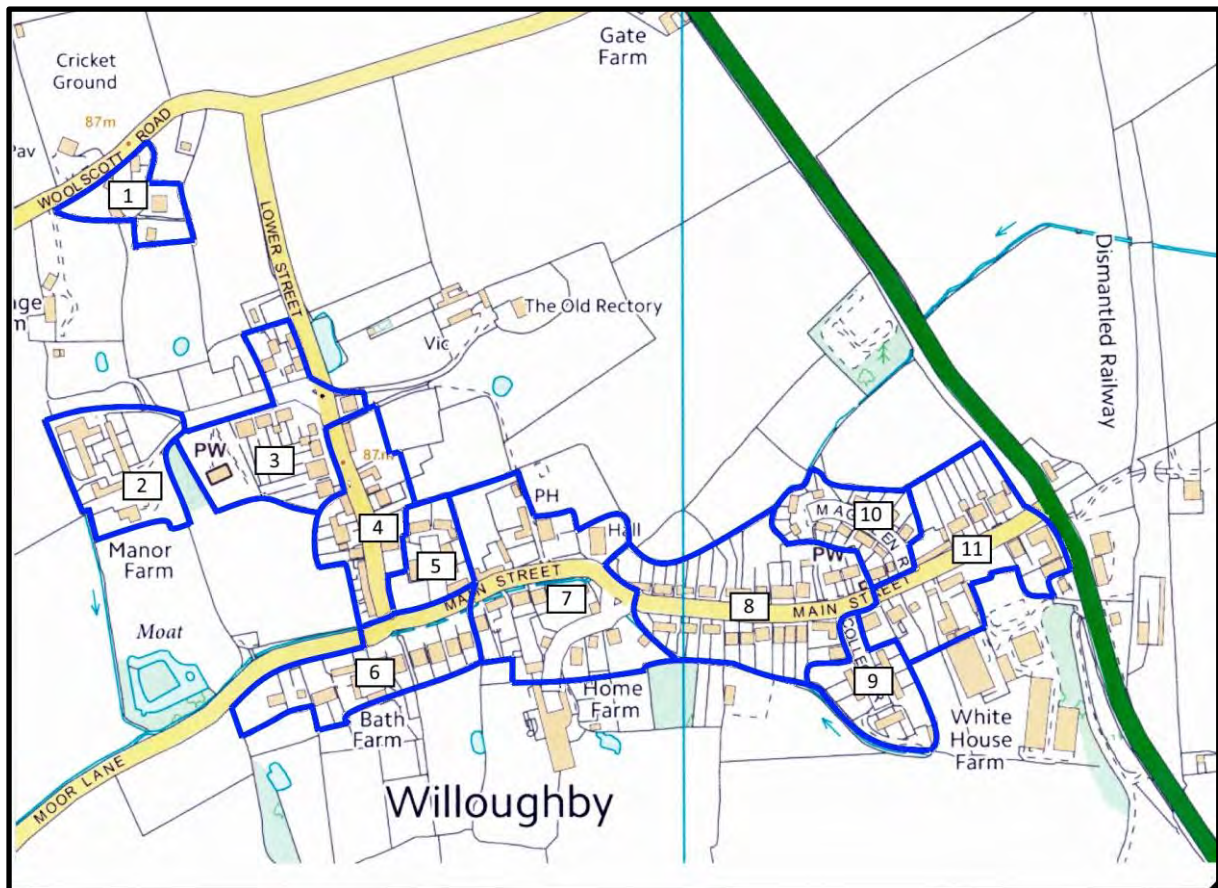
## Thank you

We would like to sincerely thank all the residents of Willoughby who took the time to tell us about their historic houses and everyday life in the parish. We would also like to thank Richard Jackson who provided valuable additional information from various archives. Much of this kind of knowledge is being lost to the parish as people move away or die, so it is important to write it down while we can so that future generations can appreciate their heritage.

Appendix 4 Character Areas

Eleven character areas have been identified - two in the wider parish (Pye Court and Manor Farm Barns) and nine in the village. These are shown on the map below. The words in italics indicate design features for each character area.

Map 15: Character Areas



**Area 1. Pye Court**

Pye Court is a tiny hamlet of five houses to the north-west of the village. The houses are built along a narrow cul-de-sac with no turning space and consist of two *semi-detached cottages* and two *detached two-storey houses* on one side with a *bungalow* on the other side.

The cottages were built as a terrace of four on the roadside in 1860 and had been converted into two cottages by 1910. The other three houses sit within their plots. The bungalow was built around 1956 and the detached houses in the 1960s. All the houses are built of *red brick* with *hanging tile detail* on the two detached houses. Stonewell next to the cottages has two open gable ends facing the road and the bungalow has a large dormer at the front. The cottages have *slate-tiled roofs* and the other three houses have roofs of either *clay tiles (two)* or *concrete (one)*.

	
<p>Semi-detached cottages built originally in 1860 as a terrace of four</p>	<p>Detached house built in 1966 on the site of two old cob cottages condemned in 1920</p>

**Area 2. Manor Farm Barns**

This area includes the Grade II listed Manor Farmhouse and an adjacent group of agricultural barns which were converted to residential use in 1999 to provide eight houses. The barns are all built of *red brick with clay tiled roofs* and are *single storey with upstairs accommodation in the roof spaces*. *Windows in the roofs have grey, metal frames and lie flush with the slope of the roof*. *Doors and window frames are mostly dark brown and gutters and drain pipes are black*. Gardens are small and, in all except one case, are either to the front or the back of each property depending on how it is orientated to the rest of the group.

	
<p>Barn with open gable ends facing the road</p>	<p>Barn with long roof line parallel to the road</p>

**Area 3. Brooks Close**

This area includes the Grade II\* listed Church of St Nicholas, thirteen bungalows built in 1964 on the south side of the road and four large detached houses. Three of these are clustered together on the north side of Brooks Close and the fourth is across Lower Street.

The *bungalows are red brick with shallow-pitched, concrete tiled roofs and relatively large windows, set back from the road behind small gardens*. All except the one on the corner are *semi-detached*. Oddly, although seven of the bungalows face Lower Street, their postal address remains Brooks Close, presumably because of their association with the original close.

On the north side of Brooks Close stands Ivy House Farm, a large, old, two-storey red brick house with a shallow-pitched, slate-tiled roof set well back from the road behind a tall hedge. The other two houses in this group face onto Lower Street and the village pond. The setback of Ivy House and its tall hedge helps to relieve the sense of dominance such a large dwelling would have on the generally low-rise appearance of the area.

	
<p>Semi-detached bungalows in Brooks Close</p>	<p>Ivy House Farm</p>

**Area 4. Lower Street - Historic Core (A)**

Lower Street contains some of the oldest buildings in the village including Vale House, a listed timber-framed house dating in part from the 17th century, Church View, Red House, Barrowfield and the terrace of seven houses at the south end known as Lower Street Cottages. The four more modern buildings in this area were built in the 1960s on the sites of much older houses which had fallen down or were demolished.

Most of the houses in this area have *two storeys* and are *built of brick*. *A few are rendered and painted*. The roofs are *usually tiled in either clay or slate*. Many of the houses are on the roadside with attendant problems of no off-road parking where adjacent land was not available to create parking spaces. This is particularly the case for the Lower Street Cottages. On-road parking together with the narrowness of the road and the junction nearby with Main Street can lead to significant traffic problems in this area of the village.

	
<p>Red House</p>	<p>Vale House</p>

	
<p>Lower Street Cottage at the Main Street junction</p>	<p>Lower Street Cottages looking north</p>

**Area 5. Moor Lane and Main Street (Lower End)**

Apart from the two two-storey houses right at the western edge of the village and the one-and-a-half storey Bath Farm house built in the 1850s, the other nine houses are *detached bungalows* built in the 1970s. All the houses are constructed of *red brick* except two which are yellowish brick and all are on the south side of the road, *set well back behind gardens*. *Decorative panels* are a feature on some of the bungalow facades.

All the bungalows have *shallow-pitched, concrete-tiled roofs*. Seven have roofs with *closed gable ends facing the road* while the other two have *roof lines parallel to the road*.

	
<p>Bungalow with closed gable end facing the road</p>	<p>Bungalow with roof line parallel to the road</p>



**Area 6. White Barn Close**

Five large executive-style houses were built in 2007 on the site of a large house known as White Barn. The houses are *two storeys*, built of red *brick with sandstone detailing and mock-tudor facings in part*. The roofs have *clay tiles*. Four of the houses are in the cul-de-sac, set back from the road *behind short gardens*. The fifth house faces Main Street and is set back a short distance from the pavement.

	
<p>White Barn Close</p>	<p>Typical house in White Barn Close</p>

**Area 7. Main Street - Historic Core (B)**

This part of Main Street again contains some of the oldest buildings in the village including the Grade II listed Rose Inn, the Post Office, the Bakehouse and the Old School House to the north side of the road and the White House and The Willows to the south side. Most of these buildings were constructed during the 18th and 19th centuries with the original part of The Willows dating from an earlier period and several retain the names that indicate their historic purpose.

All the houses are *two storeys* as are the relatively more recent properties built amongst them on the south side. Some are *detached* and others are *semi-detached*. Most are built of *red brick or rendered brick*. Almost all the buildings on the *north side have slate-tiled roofs* and the majority on the *south side have clay-tiled roofs*. The earliest part of the Rose Inn is built of *ironstone* as is The Willows (now partially rendered and painted) and the Rose Inn is the only remaining building in the village with a thatched roof. The stream and verges on the south side of Main Street with bridges into the gardens are an attractive feature as is the village sign with its surrounding plants.



The Post Office and the Bakehouse



The Old School House



The Willows



More modern semi-detached houses built in 1903 with bridge over the stream

**Area 8. Main Street (Central)**

All the houses, except College Farm, were built in the 20th century. Over the years, eighteen council houses were built. Subsequently, many of these have become privately owned and improved and extended by their owners so that they no longer meet the needs of those on lower incomes.

Going east along Main Street from the Village Sign, the first fourteen houses were built as council houses in 1919. These houses have *two storeys* and are *semi-detached*. They are built of *rendered brick* with windows that often vary considerably in size at the front. The front *roof lines of some are unusual and distinctive*. They are all *set back from the road behind small front gardens*.

The next group of houses up to College Road and Magdalen Road were built from the 1930s to the 1980s and include *terraced, semi-detached and detached* houses of various designs. The terrace of four houses on the north side at the end was built as council houses in 1948. They are set far back from the road behind long front gardens.

Almost all the houses in this area have *two storeys* and are *built of brick, rendered brick or painted brick*. Most have either *concrete or clay-tiled roofs*. Many of the houses on the north side are built well above the road and have no off-road parking which can lead to significant traffic issues, particularly when large agricultural vehicles and lorries are passing through.



'Old' council houses built in 1919

'New' council houses built in 1948



Detached houses built in the 1970s



Detached houses built in the 1980s

### Area 9. College Road

The fourteen houses in the College Road cul-de-sac consist of three terraces and were originally built as council houses in 1956. As with those on Main Street, many have become privately owned. All the houses have *two storeys* and are built of *red brick* with *reddish concrete-tiled roofs* set *behind short front gardens*. The pavements and grass verges give the road a spacious appearance.



The three terraces on College Road





The terrace of four on the west side

**Area 10. Magdalen Road**

All the houses in Magdalen Road, and the three of a similar style facing Main Street, are built of *red brick with concrete tiles*. All are set behind small front gardens.

The *one-and-a-half storey, detached and link-detached houses* at the south end of Magdalen Road were built in 1963 and are distinctive in style with *roof gables to the front and vertical panels of either render or tiles on the front facade*. The *roofs are steep in pitch* to accommodate the upper floor. In addition to these houses, there are a few detached bungalows with roof lines parallel to the road.

The road was extended to the north-west to form a cul-de-sac in 1983 with the intention of creating eight starter homes. Over the years, these have been improved and extended and are no longer ‘starter’ homes. These house are *two storeys and semi-detached with shallow-pitched roofs and small bay windows downstairs*.

	
<p>One-and-a half storey houses built in 1963</p>	<p>Starter homes (originally) built in 1983</p>

**Area 11. Main Street (Upper)**

There are three substantial building in this area - two listed buildings (The Smithy and Whitehouse Farmhouse) and the Four Crosses apartments. The Smithy and Whitehouse Farmhouse are opposite each other and are mostly *two storeys*. They are both built of *sandstone and brick* although the Farmhouse has a *rendered facade painted white*. The other buildings in the area are either *red or, occasionally, buff brick or painted render*. *All the roofs have clay or concrete tiles except The Smithy, Four Crosses apartments and cottage which have slate tiles*.

The Smithy has a single storey section to the east which helps to make the transition to the eight *semi-detached bungalows* at the top of Main Street which were built from 1962-1966. These bungalows are *set well back and up from the road* and are built of *brick or rendered brick* with relatively *large windows and concrete-tiled roofs*.



The Smithy



1960s bungalows at the top of Main Street to the right of The Smithy



Semi-detached houses built in 1928



The Four Crosses apartments opposite the bungalows

## Appendix 5 Housing Development in Willoughby Parish since the 1960s

Since the 1960s Willoughby Parish has slowly evolved and seen the delivery of new housing schemes and planning permissions.

- Magdalen Road - 1963 one-and-a-half storey houses and a few bungalows
- Brooks Close - 1964 thirteen bungalows
- Main Street (between The Smithy and the A45) - 1962 to 1966 eight semi-detached bungalows
- Moor Lane/Main Street (Lower) - 1970s nine detached bungalows
- The new Vicarage - built in 1978
- Main Street (Central) - 1970s and 1980s detached houses
- Magdalen Road - 1983 development originally designated as eight starter homes
- Barn Conversion next to the canal off Longdown Lane - mid 1990s
- Agricultural barns near Manor Farmhouse - 1999 converted to eight houses
- The Four Crosses on the corner of Main St and the A45 - 2000s converted to ten apartments
- White Barn Close - 2007 small scheme for 5 executive-style houses
- Little Leys adjacent to Manor Farm Works Unit - 2011 new building
- BT Repeater Station on A45 - 2012 change of use to a dwelling
- Shepherds Barn along Moor Lane - 2013 barn conversion
- Behind Whitehouse Farmhouse off Main Street - 2015 barn conversion
- Willowbrook Barn on Woolscott Road - 2017 barn conversion

Appendix 6 Willoughby Housing

**Willoughby Parish: Housing - Number of Bedrooms**

2011 Census

Total housing stock	<b>193</b>
Total number of occupied dwellings	<b>185</b>
Total number of unoccupied dwellings	<b>8</b>

1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms	5+ Bedrooms
6	53	72	35	19

Additional dwellings since 2011 census    **5**

1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms	5+ Bedrooms
1	0	3	1	0

Willoughby Housing Stock - 2018

Total Housing Stock 193 (2011 Census) + 5    **198**

185 (occupied dwellings from 2011 Census) + 5    **190**

(Percentage below is of 190 because no information about 8 unoccupied dwellings)

1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms	5+ Bedrooms
7	53	75	36	19
3.68 %	27.89 %	39.48 %	28.95 %	

**For comparison**

SHMA\* Recommended Mix of Market Housing in Rugby Borough

1 Bedroom	2 Bedrooms	3 Bedrooms	4 + Bedrooms
5 - 10 %	25 - 30 %	40 - 45%	20 - 25 %

\* SHMA Strategic Housing Market Assessment,

Table copied from Rugby Borough Council Adopted Local Plan 2011 - 2031, June 2019 paragraph 5.10, page 41.



Appendix 7 Definition of Affordable Housing (NPPF)

Annex 2: Glossary

**Affordable housing:** housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Appendix 8 List of Local Businesses in Willoughby Parish

<b>Name</b>	<b>Address</b>	<b>Business</b>
Willoughby Cafe	A45	Cafe
Reefkeeper	A45	Tropical Fish
Linda Noakes	32 Main Street	Acupuncture
JRCS Falconry	11 Magdalen Road	Falconry
Val Taylor	44 Main Street	Pilates
The Forton Group	College Farm, Main Street	Sales Training
I-Turf	37 Main Street	Digger Hire
The Rose Inn	Main Street	Public House
Ian Gascoigne	Forrabury, Main Street	Builder
Daisy Chain	Roseberry Dene, Main Street	Garden Services
Courts	Willoughby House, Moor Lane	Builder
B Beautiful	19 Lower Street	Hair and Beauty Salon
Brian Hall	19 Lower Street	Sales Agency
Clare Howkins	Worrall House, Lower Street	Garden Services
Nice and Stripey	The Stables, Manor Farm	Garden Services
Natalie Wiltshire	Ivy House Farm	Yoga
Willoughby Alpacas	The Old Vicarage	Alpacas
Alan Board	Magdalen Road	Builder
Mark Hallam	Main Street	Window Cleaner
Old Garage Car Wash	A45	Car Wash
Di Ellard	Home Farm	Internet Sales
Lorraine Geddes	Magdalen Road	Keep Fit

**Working Farms in Willoughby Parish where the farmers live in the parish.**

Manor Farm  
 Gate Farm  
 White House Farm  
 Navigation Farm  
 Leam Farm  
 Home Farm  
 Willowbrook Barn, Woolscott Road

## Appendix 9 Local Facilities and Services

- Village Hall
- Church
- Playing Field / Children's Playground
- Cricket Club
- Allotments
- Pub
- Cafe
- Societies, Clubs and Groups - Willoughby Society, the Willoughby Thursday Club, Willoughby Women's Institute, the Village Hall Committee, Art Group, Flower Club, the Willoughby Cricket Club, Mums' Group, Darts Team, Ladies' Fellowship
- B Beautiful - Beauty salon and hairdresser
- Car Wash facility on the A45
- School pick-up for schools in Rugby
- A & M bus service - one bus to and from Rugby on Monday, Thursday and Friday mornings
- Hayward Lodge Pocket Nature Reserve
- Amenity Garden
- Bridleways and Public Footpaths
- Broadband
- Parish Council Website
- Willoughby Monthly Newsletter
- Willoughby Charity and Willoughby Educational Foundation






Willoughby NDP Steering Group on behalf of  
the Parish Council  
September 2019

# EQUALITY IMPACT ASSESSMENT (EqIA)

## Context

1. The Public Sector Equality Duty as set out under section 149 of the Equality Act 2010 requires Rugby Borough Council when making decisions to have due regard to the following:
  - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
  - advancing equality of opportunity between people who share a protected characteristic and those who do not,
  - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
  - age
  - disability
  - gender reassignment
  - marriage/civil partnership
  - pregnancy/maternity
  - race
  - religion/belief
  - sex/gender
  - sexual orientation
3. In addition to the above-protected characteristics, you should consider the crosscutting elements of the proposed policy, such as impact on social inequalities and impact on carers who look after older people or people with disabilities as part of this assessment.
4. The Equality Impact Assessment (EqIA) document is a tool that enables RBC to test and analyse the nature and impact of what it is currently doing or is planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. The questions will enable you to record your findings.
6. Where the EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. Once completed and signed off the EqIA will be published online.
8. An EqIA must accompany all **Key Decisions** and **Cabinet Reports**.
9. For further information, refer to the EqIA guidance for staff.
10. For advice and support, contact:  
Minakshee Patel  
Corporate Equality & Diversity Advisor  
[minakshee.patel@rugby.gov.uk](mailto:minakshee.patel@rugby.gov.uk)  
Tel: 01788 533509

## Equality Impact Assessment

<b>Service Area</b>	Development Strategy
<b>Policy/Service being assessed</b>	Willoughby Neighbourhood Development Plan (Referendum Version)
<b>Is this is a new or existing policy/service?</b> <b>If existing policy/service please state date of last assessment</b>	This is an emerging policy document. The previous 'submission version' was assessed on 30 <sup>th</sup> May 2019.
<b>EqlA Review team – List of members</b>	Martin Needham – Senior Planning Officer Victoria Chapman – Development Strategy Manager
<b>Date of this assessment</b>	16 <sup>th</sup> September 2019
<b>Signature of responsible officer (to be signed after the EqlA has been completed)</b>	

**A copy of this Equality Impact Assessment report, including relevant data and information to be forwarded to the Corporate Equality & Diversity Advisor.**

**If you require help, advice and support to complete the forms, please contact Minakshee Patel, Corporate Equality & Diversity Advisor via email: [minakshee.patel@rugby.gov.uk](mailto:minakshee.patel@rugby.gov.uk) or 01788 533509**

### Details of Strategy/ Service/ Policy to be analysed

<b><u>Stage 1 – Scoping and Defining</u></b>	
(1) Describe the main aims, objectives and purpose of the Strategy/Service/Policy (or decision)?	The Willoughby Neighbourhood Development Plan contains policies which, once the document is adopted or 'made' will form part of the Development Plan for the Borough and will be used alongside local and national policies to determine planning applications in the Parish.
(2) How does it fit with Rugby Borough Council's Corporate priorities and your service area priorities?	<p>This Plan has the potential to contribute towards several corporate priorities:</p> <ul style="list-style-type: none"> <li>• Enable our residents to live healthy independent lives;</li> <li>• Ensure that the council works efficiently and effectively</li> <li>• Ensure residents have a home that works for them and is affordable</li> <li>• Understand our communities and enable people to take an active part in them;</li> <li>• Promote sustainable growth and economic prosperity; and</li> <li>• Encourage healthy and active lifestyles to improve wellbeing within the Borough.</li> </ul> <p>All Parish Councils have the right to produce a Neighbourhood Plan if they choose to. The Local Planning Authority has a statutory duty to assist in their production and follow the Regulations in dealing with these. Once adopted or 'made' the Local Planning Authority has a statutory duty to use the policies in the determination of planning applications.</p>
(3) What are the expected outcomes you are hoping to achieve?	That the document can be used in the determination of planning applications.
(4) Does or will the policy or decision affect: <ul style="list-style-type: none"> <li>• Customers</li> <li>• Employees</li> <li>• Wider community or groups</li> </ul>	The policy may affect customers or the wider community. Specifically it will affect those living or working in the Parish of Willoughby.



<b><u>Stage 2 - Information Gathering</u></b>	As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).		
(1) What does the information tell you about those groups identified?	The 2011 Census identifies that Willoughby Parish has a population of 398. 17.8% of the population is aged under 18, 21.9% aged 18 to 29, 18.1% aged 30 to 44, 36.4% aged 45 to 64 and 23.9% aged 65 and over.		
(2) Have you consulted or involved those groups that are likely to be affected by the strategy/ service/policy you want to implement? If yes, what were their views and how have their views influenced your decision?	<p>Willoughby Parish Council have carried out their own statutory consultation on their draft plan. They received comments back which have been summarised in their consultation statement.</p> <p>This document has now been submitted to Rugby Borough Council. If approved by Cabinet it will undergo a further consultation by the Council who will contact directly all parties who have previously registered an interest as well as statutory bodies. The consultation will be widely publicised to ensure other interested parties have the chance to respond. The representations made will be passed on to an Independent Examiner who will take these representations into account when producing an examination report.</p>		
(3) If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary.	N/A		
<b><u>Stage 3 – Analysis of impact</u></b>			
(1) <u>Protected Characteristics</u> From your data and consultations is there any positive, adverse or negative impact identified for any particular group, which could amount to discrimination?	<b>RACE</b> No	<b>DISABILITY</b> No	<b>GENDER</b> No
	<b>MARRIAGE/CIVIL PARTNERSHIP</b> No	<b>AGE</b> No	<b>GENDER REASSIGNMENT</b> No

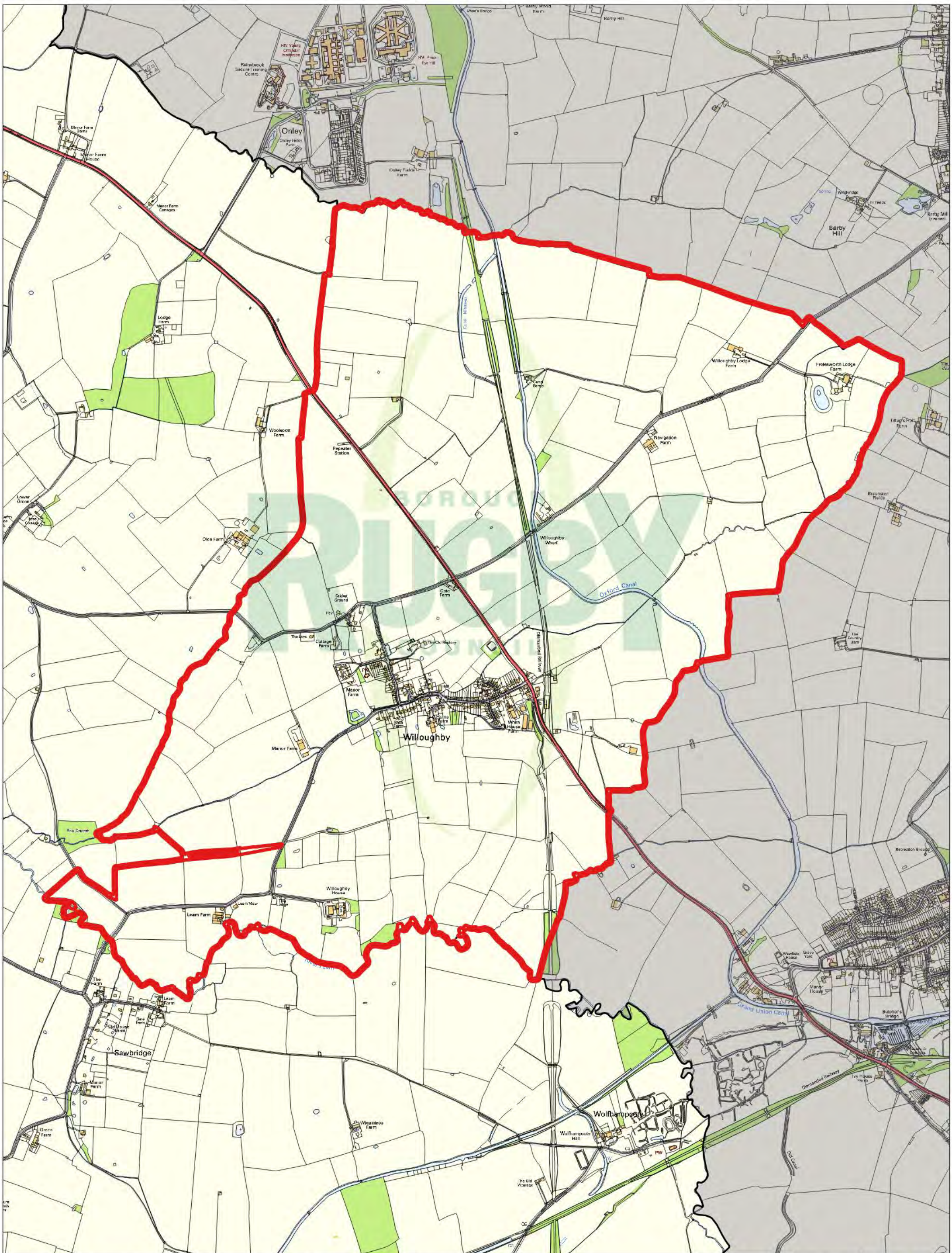
If yes, identify the groups and how they are affected.	<b>RELIGION/BELIEF</b> No	<b>PREGNANCY MATERNITY</b> No	<b>SEXUAL ORIENTATION</b> No
<p><u>(2) Cross cutting themes</u>            (a) Are your proposals likely to impact on social inequalities e.g. child poverty, geographically disadvantaged communities? If yes, please explain how?</p> <p>(b) Are your proposals likely to impact on a carer who looks after older people or people with disabilities? If yes, please explain how?</p>	No		
(3) If there is an adverse impact, can this be justified?	N/A		
(4) What actions are going to be taken to reduce or eliminate negative or adverse impact? (this should form part of your action plan under Stage 4.)	N/A		
(5) How does the strategy/service/policy contribute to the promotion of equality? If not what can be done?	<p>The policies have been developed taking into account the thoughts and ideas from a wide cross section of those living and working in the Parish. The Consultation Statement which accompanies the document states the ways in which the community were consulted on several occasions with consultation being widely publicised and accessible.</p> <p>Policies within the plan support affordable housing provision, accommodation for young people, families and elderly people, protection of businesses and fostering new employment opportunities, protection of community facilities and promoting walking and cycling. Together these help protect and promote sustainable ways of life across the community.</p>		

(6) How does the strategy/service/policy promote good relations between groups? If not what can be done?	Good relations were promoted throughout the process of creating the Neighbourhood Plan with everyone given the chance to be involved and have their say. Once adopted or 'made', the policies within the Neighbourhood Plan will be applied across the whole of the Neighbourhood Area.
(7) Are there any obvious barriers to accessing the service? If yes how can they be overcome?	No.

<b><u>Stage 4 – Action Planning, Review &amp; Monitoring</u></b>																										
If No Further Action is required then go to – Review & Monitoring  (1) Action Planning – Specify any changes or improvements that can be made to the service or policy to mitigate or eradicate negative or adverse impact on specific groups, including resource implications.	EqIA Action Plan  <table border="1"> <thead> <tr> <th>Action</th> <th>Lead Officer</th> <th>Date for completion</th> <th>Resource requirements</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Action	Lead Officer	Date for completion	Resource requirements	Comments																				
Action	Lead Officer	Date for completion	Resource requirements	Comments																						
(2) Review and Monitoring State how and when you will monitor policy and Action Plan	The EqIA will be reviewed following the referendum stage and if required amended prior to any final decision to 'make' the plan.																									

Please annotate your policy with the following statement:

**'An Equality Impact Assessment on this policy was undertaken on (date of assessment) and will be reviewed on (insert review date).'**



Willoughby Parish Boundary - Proposed Neighbourhood Plan Area

Scale  
1:15,000  
(when printed @A3)



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Ordnance Survey 100019417

### **AGENDA MANAGEMENT SHEET**

<b>Report Title:</b>	Initial Review of General Fund Budget 2019/20
<b>Name of Committee:</b>	Cabinet
<b>Date of Meeting:</b>	7 October 2019
<b>Report Director:</b>	Head of Corporate Resources and CFO
<b>Portfolio:</b>	Corporate Resources
<b>Ward Relevance:</b>	All
<b>Prior Consultation:</b>	None
<b>Contact Officer:</b>	Jon Illingworth, Financial Services Manager and Deputy Chief Financial Officer
<b>Public or Private:</b>	Public
<b>Report Subject to Call-In:</b>	Yes
<b>Report En-Bloc:</b>	No
<b>Forward Plan:</b>	Yes
<b>Corporate Priorities:</b>	This report relates to the following priority(ies):
<b>(CR) Corporate Resources</b>	<input checked="" type="checkbox"/> To provide excellent value for money services and sustainable growth
<b>(CH) Communities and Homes</b>	<input checked="" type="checkbox"/> Achieve financial self-sufficiency by 2020
<b>(EPR) Environment and Public Realm</b>	<input checked="" type="checkbox"/> Enable our residents to live healthy, independent lives
<b>(GI) Growth and Investment</b>	<input checked="" type="checkbox"/> Optimise income and identify new revenue opportunities (CR)
	<input checked="" type="checkbox"/> Prioritise use of resources to meet changing customer needs and demands (CR)
	<input checked="" type="checkbox"/> Ensure that the council works efficiently and effectively (CR)
	<input checked="" type="checkbox"/> Ensure residents have a home that works for them and is affordable (CH)
	<input checked="" type="checkbox"/> Deliver digitally-enabled services that residents can access (CH)
	<input checked="" type="checkbox"/> Understand our communities and enable people to take an active part in them (CH)
	<input checked="" type="checkbox"/> Enhance our local open spaces to make them places where people want to be (EPR)
	<input checked="" type="checkbox"/> Continue to improve the efficiency of our waste and recycling services (EPR)

- Protect the public (EPR)
- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)

**Statutory/Policy Background:** The Council has a statutory duty to set a balanced annual General Fund Revenue budget that will enable it to determine the level of council tax.

**Summary:** This is the first 2020/21 General Fund budget setting report from the Head of Corporate Resources in her capacity as the Council's Chief Financial Officer.

The primary purpose of this report is to provide an initial overview of the Council's financial position for 2020/21, taking into consideration the latest intelligence on the reform of the local government funding system.

**Financial Implications:** As detailed in the main report.

**Risk Management Implications:** As detailed in the main report.

**Environmental Implications:** There are no environmental implications arising from this report.

**Legal Implications:** There are no legal implications arising from this report.

**Equality and Diversity:** There are no Equality and Diversity implications arising from this report. It may be necessary later in the budget process to carry out Equality Impact Assessments of the implications of any service changes

**Recommendation:** (1) The initial draft General Fund Revenue budget position for 2020/21 be considered alongside the Council's Medium Term Financial Plan;

(2) Cabinet considers the key decisions identified to date and identifies other policy or service changes required for consideration to deliver a balanced budget for 2020/21; and

(3) Note that a detailed scheme by scheme review will be carried out of the items in the Capital Programme in order to rationalise the overall programme in terms of affordability and sustainability.

**Reasons for Recommendation:** This initial overview of the Council's General Fund revenue and capital budgets is for consideration by Cabinet as part of the budget setting process and to ensure its affordability and contribution to the Council's ambition to achieve self-sufficiency by 2020.

The report includes proposals for savings and income generation which require consideration for inclusion in the 2020/21 draft budgets and the medium-term plan.

**Cabinet - 7 October 2019**

**Initial Review of General Fund Revenue Budget 2020/21**

**Public Report of the Head of Corporate Resources and CFO**

**Recommendation**

- (1) The initial outlook on the General Fund Revenue budget position for 2020/21 be considered alongside the Council's Medium-Term Financial Plan;
- (2) Cabinet considers the key decisions identified to date and identifies other policy or service changes required for consideration to deliver a balanced budget for 2020/21; and
- (3) Note that a detailed scheme by scheme review will be carried out of the items in the Capital Programme to rationalise the overall programme in terms of affordability and sustainability.

**Purpose**

**1. Purpose**

This is the first 2020/21 General Fund budget setting report from the Head of Corporate Resources in her capacity as the Council's Chief Financial Officer.

The primary purpose of this report is to provide an initial overview of the Council's financial position for 2020/21, taking into consideration the latest intelligence on the reform of the local government funding system. The report also provides an update on the progress that has been made in closing the medium-term budget gaps, since the 2019/20 budget was set in February 2019.

The detailed Draft Budget will be reported with full details of growth, income and savings proposals in preparation for the Final Budget to be approved by Cabinet and Full Council in February 2020.

The process to set Housing Revenue Account (HRA) budgets, Council House Rents and the Housing Capital Programme is subject to a different timetable. An updated HRA Medium Term Financial Plan will be presented to Cabinet when details of the indicative 2020/21 rent setting proposals are available. A special meeting of Council on the 4 February 2020 will approve HRA budgets and Council House Rents for 2020/21.



This report includes the following appendix;

- **Appendix 1** Summary of the 2020/21 Draft budget by Portfolio

## **2. Background**

### **2.1. Rugby Borough Council's opening budgetary position**

The 2019-23 Medium Term Financial Plan was presented to Council at its meeting on the 26 February 2019. Due to the uncertainty surrounding the future of business rates after 2020/21 a MTFP was presented on the assumption that the Council will either see the impact of a partial or full reset.

The detailed papers can be found at;

<https://www.rugby.gov.uk/meetings/meeting/907/council>

### **2.2. Economic outlook - national picture**

#### ***Inflation***

Underlying UK GDP growth has softened to below-potential rates, reflecting weaker global growth as well as the impact of Brexit-related uncertainties. Growth is expected to remain subdued in coming quarters, as those uncertainties have intensified over the past few months and are assumed to remain elevated in the near term. Consumer Price Index (CPI) inflation is projected to fall temporarily below the Monetary Policy Committee's (MPC's) 2% target over the second half of 2019 as energy prices decline. Conditioned on a smooth withdrawal of the UK from the EU, Brexit-related uncertainties are assumed to subside. Together with a boost from looser monetary conditions, the decline in uncertainties leads to a recovery in demand growth to robust rates. As a result, excess demand and domestic inflationary pressures build.

The MPC's projections are affected by an inconsistency between the asset prices on which they are conditioned — which reflect a higher perceived probability of a no-deal Brexit among financial market participants — and the smooth Brexit assumption underlying the central forecasts. In the event of a Brexit deal, sterling would be likely to appreciate and market interest rates and UK-focused equity prices to rise.

#### ***Employment***

The unemployment rate fell slightly in the three months to May, to 3.8%. That remains below the MPCs assessment of the equilibrium rate of unemployment — of 4¼%. Employment growth has softened in 2019. It was 0.1% in the three months to May, down from 0.5% in the three months to February. The number of employees fell in the latest data, while self-employment rose sharply. The slowdown in overall employment growth may be a consequence of companies finding it harder to recruit, given a smaller pool of available labour. It may also reflect an easing in the demand for labour as underlying GDP growth has slowed. The number of vacancies has fallen back a little in recent months and is around 4% lower than its peak in the three months to January.

## Public Finances

Borrowing for the 2019/20 year to date, as at the end of July, stood at £16bn which is 6bn more than the same period last year, largely due public sector spending exceeding the money received in taxes and other income.

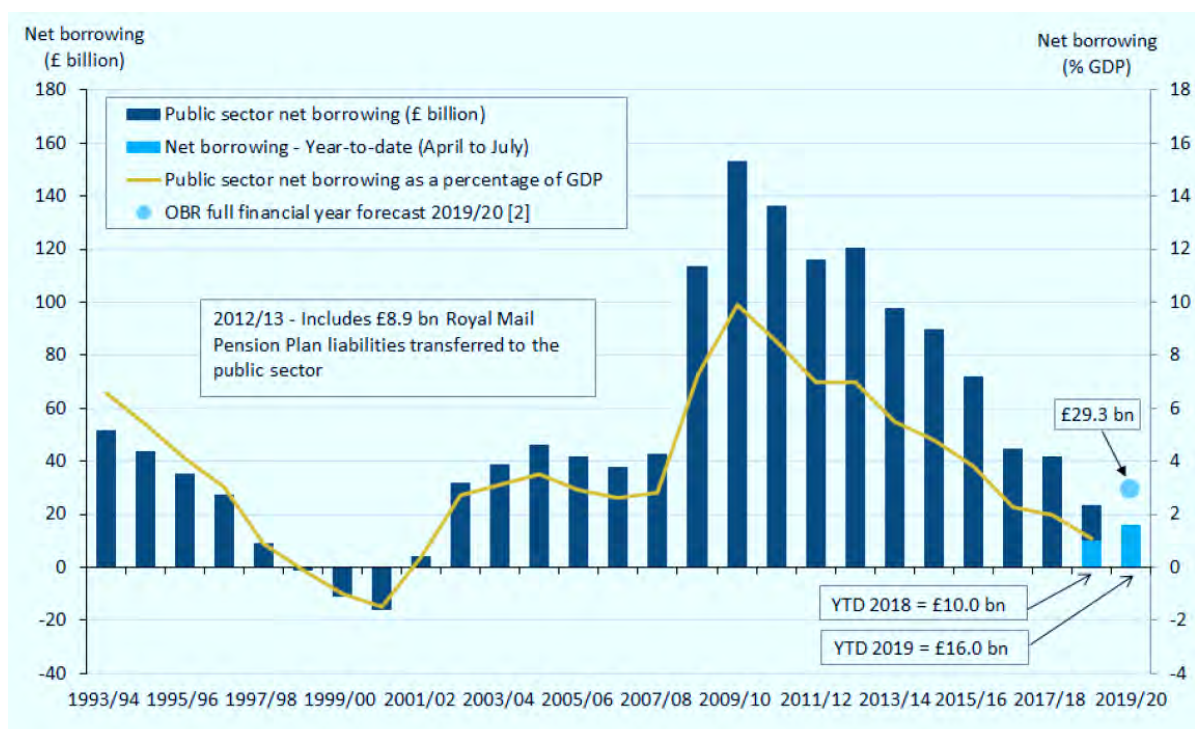


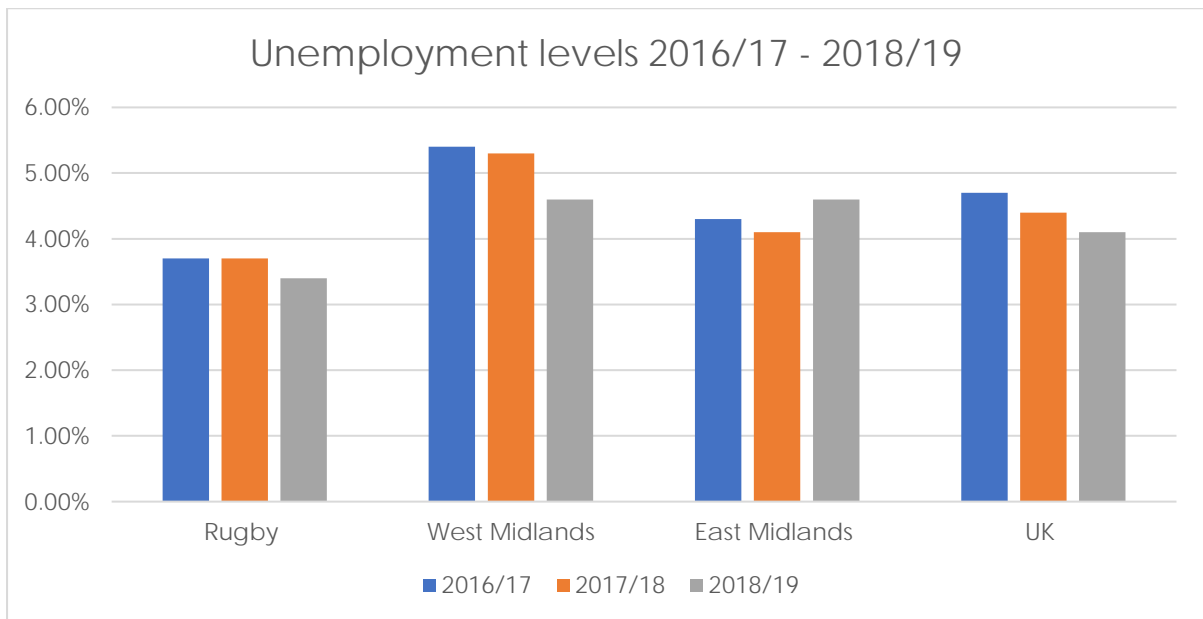
Chart 1 - Public sector net borrowing (excluding public sector banks), UK, April 1993 to July 2019 Source: *Public Sector Finances (ONS)*

Borrowing has been generally falling since its peak in financial year ending March 2010

The Office for Budget Responsibility (OBR) full financial year forecast of £29.3 billion for public sector net borrowing excluding public sector banks in the financial year ending March 2020 (March 2019 Economic and Fiscal Outlook).

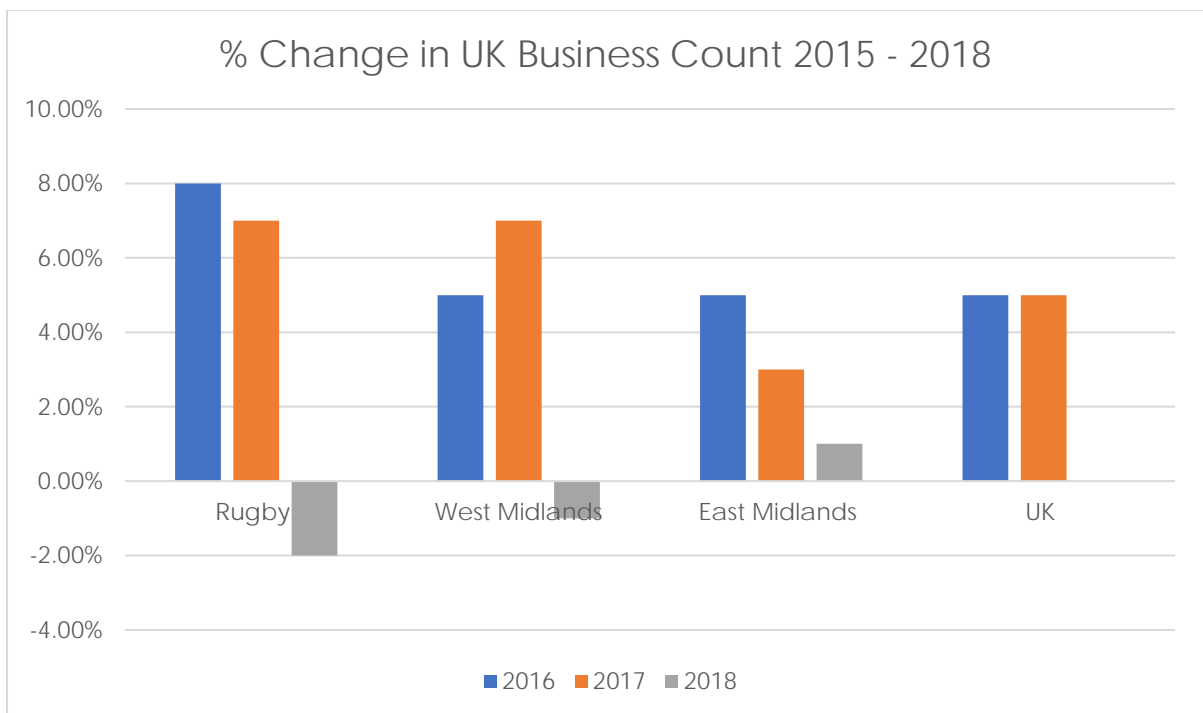
### 2.3. Economic outlook - local picture

The data presents evidence that unemployment figures continue to fall both regionally and nationally. However, the uncertainty surrounding Brexit is having an impact on business confidence



**Chart 2 – National and local unemployment. Source: Inter Departmental Business Register (ONS).**

Chart 2 shows that Rugby has sustained a low unemployment level over the last 3 years which is significantly below regional and national averages.



**Chart 3 – % Change in UK Business Count recorded as at March of the reference year Source: Inter Departmental Business Register (ONS).**

The dataset shows that the number of businesses at a national and local level reduced between 2017 to 2018.

Analysing the local dataset further, it is notable that all the business loss in Rugby in 2018 is in the small-medium business category, which accounts for 99.5% of total businesses in the Rugby area.

	Number of Small/ Medium Businesses	%	Number of Large Businesses	%	Total	%
<b>2017</b>	5,055	99.6%	20	0.4%	5,075	100
<b>2018</b>	4,960	99.5%	25	0.5%	4,985	100
<b>Movement</b>	(95)		5		(90)	

*Table 1 – % Change in Business Count in the Rugby area recorded as at March of the reference year  
Source: Inter Departmental Business Register (ONS).*

The ONS reports that nationally this comes under the backdrop of heightened uncertainty about the future of the UK’s relationship with the EU. There is evidence that businesses may have stayed cautious, with with Confederation of British Industry (CBI), Bank of England and The Institute of Chartered Accountants in England and Wales (ICAEW) all reporting falling business optimism as the Brexit date draws closer.

The dataset shows a small increase in the larger business category in the Rugby area. This would be consistent with the business rates growth we have seen from our larger key sites in the area i.e. Rugby Gateway.

## **2.4. Brexit**

It should be noted that the Council has no direct exposure to loss of funding from the European Union. However, the outcome of Brexit and the consequent wider impact upon the UK economy remains uncertain. The availability of total funding for local government is influenced by the state of the economy and the condition of national finances, which to an unknown direction and magnitude could be affected by the outcome of Brexit. Moreover, given the Council’s increasing reliance on growth backed funding allocations, the outcome of Brexit may pose an increased risk to the income from these schemes.

Any relevant updates in the progress of Brexit will be included in the draft budget report.

## **3. Financial Outlook**

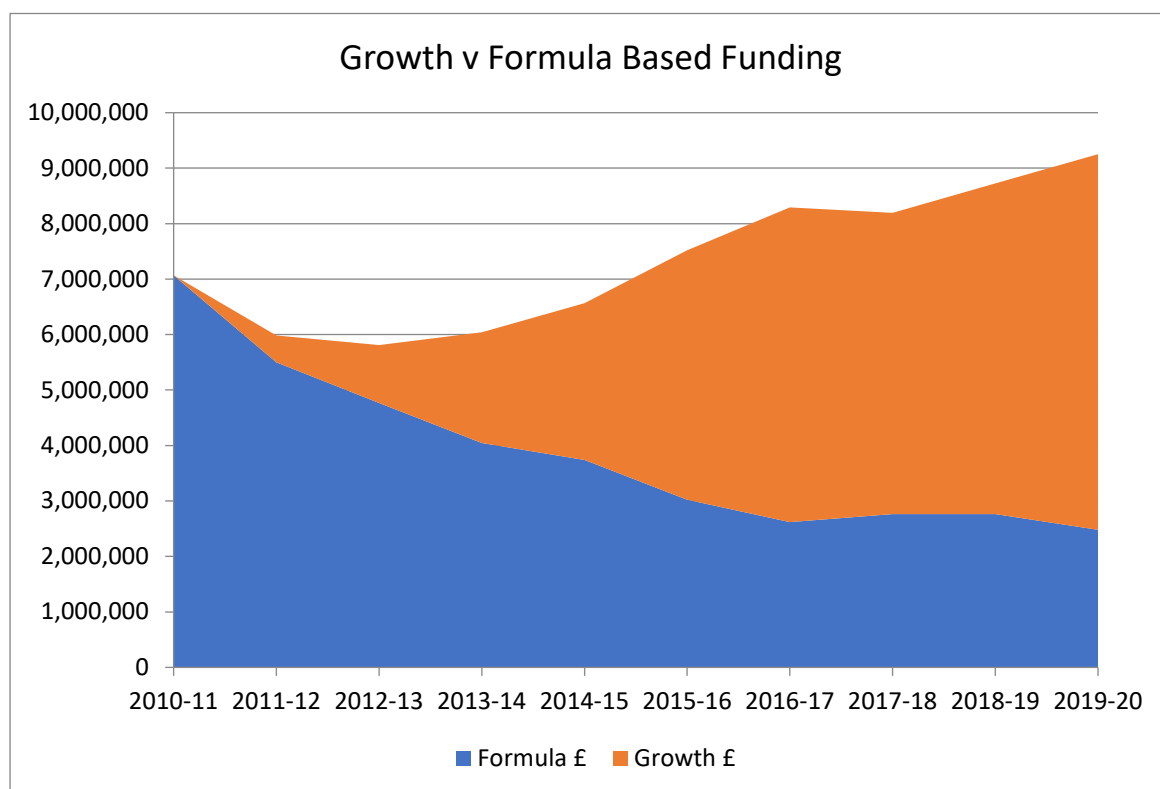
### **3.1. Local Government Funding**

The Council has seen significant reductions in some of its core funding streams, most notably:

- Revenue Support Grant (RSG) has reduced from £3.2m in 2013/14 to zero in 2019/20.
- A loss of £2.5m New Homes Bonus (NHB) income over the last three years due to the phased reduction in legacy payments from six years to four years.

Not only has the quantum of funding reduced across local government but so has the composition and the basis upon which it is allocated. In 2011/12 government introduced the New Homes Bonus (NHB) scheme and in 2013/14 the Retained Business Rates system both, with the underlying objective to incentivise local authorities to generate economic growth in their localities.

These new growth incentivising schemes differed to previous formula-based funding streams, such as RSG, that distributed funding based on need and local resources. Chart 4 below illustrates how significant this shift in funding methodology has been. The chart shows how the Council’s “going for growth” agenda has led to growth based funded schemes, such as NHB making up an increasing proportion of the Council’s funding base. Whilst, formula-based allocations, such as RSG, have reduced during the same period.

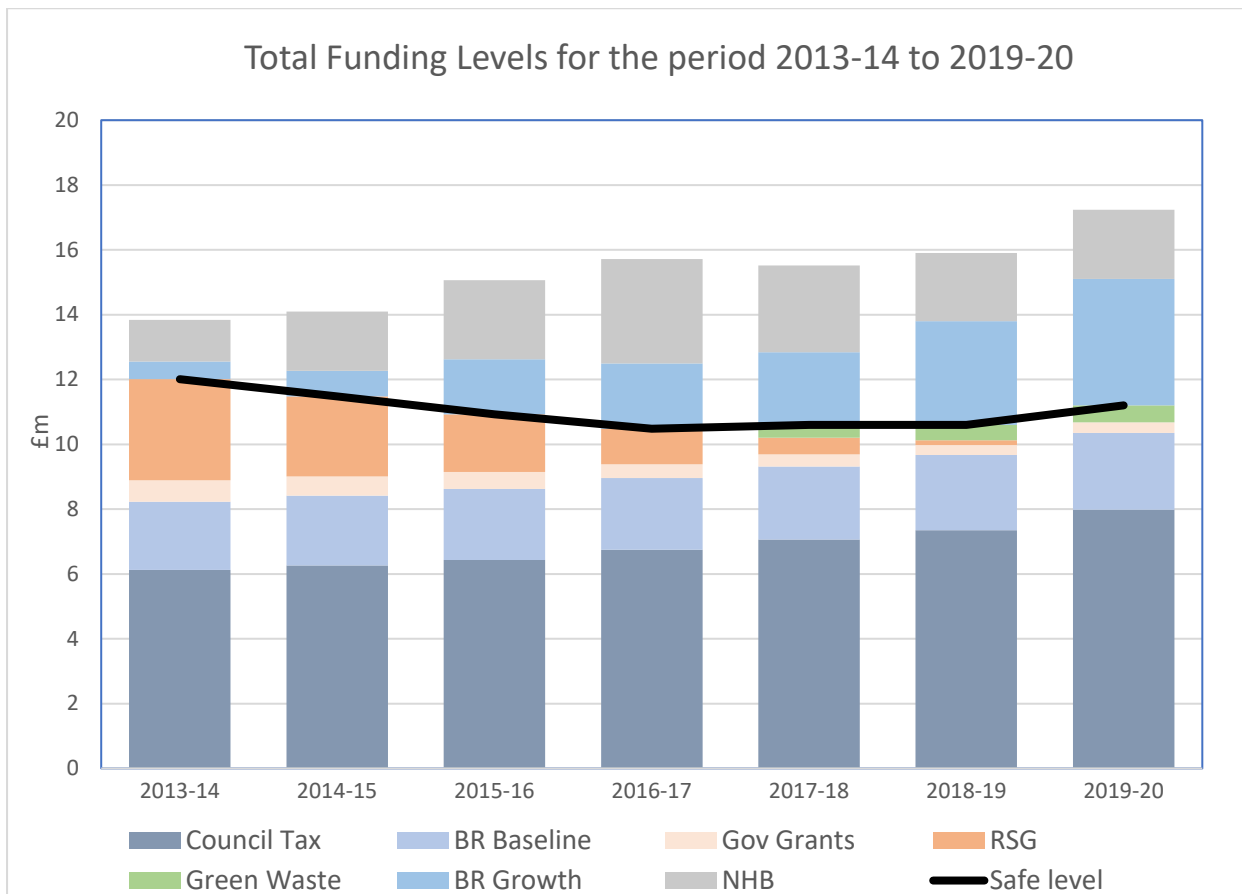


**Chart 4: Growth v Formula Based Funding**

Whilst NHB and retained business rates have been financially rewarding for the Council, both schemes are subject to more risk than traditional formula-based allocations. Key risk factors include government policy changes and the state of the national economy, both of which are largely outside of the Council’s control or influence.

With reference to the risk of policy changes to the local government finance system, alongside the 2016/17 Local Government Finance Settlement, the Government announced the ‘Fair Funding Review’ that will address concerns about the fairness of current funding distributions.

Chart 5 below shows how the Council’s net expenditure has been financed between 2013/14 and 2019/20. The ‘safe level’ line demarks those income sources relatively certain or within our control and those which are exposed to more risk.



**Chart 5: Total Funding Levels 2013-14 to 2019/20**

Above the 'safe level' line are income sources more at risk, being income from NHB and the additional growth that has been generated from business rates. Below the line are the more certain allocations, such as council tax and business rates baseline income.

The continuing austere times for the sector means we need to adapt our uncertain funding streams to create our own certainty within this unstable financial environment.

The Corporate Strategy sets out the Council's objective to achieve financial self-sufficiency by 2020. This has been defined as:

*It is necessary to remove reliance on arbitrary funding from Central Government, which does not sufficiently keep pace with changes in local factors and the needs of the population. Instead, sources of income for the Council need to result from decisions the organisation makes; be that from service charges, local taxation, economic growth or investment income. Alongside income, it is equally important to be able to directly control the Council's expenditure; by reducing exposure to changes from other organisations and ensuring procurement is smart.*

The remainder of this report details how, in line with our MTFS we have taken steps to create as much certainty as possible.

### **3.2. Achieving financial self-sufficiency**

The Council's three core corporate income streams that support the General Fund Budget are:

- Retained Business Rates
- New Homes Bonus
- Council Tax

As explained earlier in the report, whilst the Council has benefited from increased income from NHB and business rates these two schemes are more inherently risky than traditional local funding allocations. Therefore, to achieve financial self-sufficiency the organisation will need to reduce the reliance of these riskier funding streams in our base budget.

### **3.3. Financial Modelling Assumptions**

There are several risks that the Council faces due to the planned reform of the Local Government finance system, the most significant are:

- Loss of existing growth due to the Business Rates Reset.
- The outcome of the Fair Funding Review providing a reduction in our assessed funding need.
- Significant changes and possible end of the New Homes Bonus scheme.

The uncertainty makes financial planning extremely challenging, as even the smallest of changes to one of the many variables can result in very different outcomes.

The Medium-Term Financial Strategy (MTFS) adopted by the Council in April 2018, included policies to prepare the Council for the potential financial losses of the impending reforms in future years.

### **3.4. A one-year spending review**

the Chancellor announced on 8 August 2019 that there will be a one-year spending review covering 2020/21 only, with a multi-year spending review held in 2020. This will give government the time and space to focus on delivering Brexit.

This means that the funding reforms will now be delayed until 2021/22.

The Secretary of State has written to local authorities to confirm that the government is "*delaying the longer-term reforms, including business rates retention and fairer funding (Review of Relative Needs and Resources), that we have been planning for the local government finance system until 2021/22*".

The Spending Review has given a broad outline of the funding that local government will receive in 2020/21 but the details of how this will be converted into specific funding allocations remains uncertain.

The Ministry of Housing, Communities & Local Government (MHCLG) will “shortly be issuing a technical consultation on this year’s Local Government Finance Settlement setting out further details”. Although, final confirmation will possibly have to wait until the provisional settlement itself.

The Authority’s funding advisors, Pixel Financial Management, have provided the following guidance on the most likely outcome as well as the risks:

**Business Rate pilots.** There has been no announcement about business rates pilots. Our advice to authorities is to assume that there will not be a further round of pilots in 2020/21.

**New Homes Bonus (NHB).** Without any announcement about alternative plans, a sensible forecasting assumption is that the NHB scheme will operate the same as it does in 2019/20. But there is still a risk that authorities will only receive “legacy payments” in 2020/21.

**Council Tax Band D.** The reduction in the core Band D threshold from 3.0% to 2.0% has surprised some authorities, especially districts and fire authorities who cannot raise the additional adult social care precept. The current advice is to assume that districts will still be able to increase council tax by the higher of £5 or 2.0% and that there will possibly be a higher maximum for fire authorities.

## **4. General Fund revenue budgets**

### **4.1. Overview and Context**

The purpose of this section is to provide an update on the progress that has been made with closing the medium-term budget gaps, since the 2019/20 budget was set on the 26 February 2019 and outline an initial high-level budget position for 2020/21.

The updates included in this section are what have been identified through initial budget setting conversations as well as decisions made by cabinet up to 4 September 2019. Any subsequent changes and decisions will be included in the draft budget report.

### **4.2. Medium Term Financial Strategy**

The Medium-Term Financial Strategy (MTFS) 2018-23 was approved by Council on the 24 April 2018. The purpose of the MTFS is to provide the Council with a sound financial plan that outlines the key principles and financial policies required to enable it to meet its objectives and achieve its ambition of becoming financially self-sufficient by the end of the decade without reliance on central government funding. The following content sets out the progress that has been made to date with the implementation on these key principles and financial policies.



## **Fees and Charges**

The Medium-Term Financial Strategy (MTFS) outlines the Council's approach to increases applied to fees and charges;

*it is agreed that, as a default, all locally set fees and charges will be increased annually by an appropriate measure of inflation, unless the service has exceptional circumstances and a solid business case to do otherwise.*

The outcome of the annual review for 2020/21 prices will form part of the budget setting process over the coming weeks and months with an update to be provided to Cabinet once complete.

## **Procurement**

Procurement has put procedures in place to improve efficiency and ensure faster, smarter, and more productive working practices, ensuring that priorities are understood, risks are identified and monitored and cost savings opportunities are identified and pursued.

Better collation of information into a contracts' register to identify contracts due for extension or re-tendering has led to the identification and aggregation of spend, taking advantage of economies of scale and reduced transactions costs. This has also allowed the identification of contracts that are already in place that can be used by other service areas rather than go through another procurement process. The use of this available information and analytics has ensured that there is a better understanding of the council's spend and where efficiencies can be made.

The production of tender documents that are fair, detailed, and easy to complete make contract opportunities more accessible to Small Medium Enterprises (SMEs). By breaking down requirements into smaller lots this also makes the contracts more accessible to SMEs and enables the council to support local businesses, with expert knowledge but not necessarily the resources the undertake a large contract.

A review of the likelihood of any budget savings relating to changes in procurement practices for 2020/21 will form part of the budget setting process over the coming weeks and months with an update to be provided to Cabinet once complete.

### **4.3. Progress since 2019/20 budget setting**

As explained earlier, the Medium-Term Financial Plan presented to Council at its meeting on the 26 February 2019, reported an initial gap for 2020/21 of £440,000 excluding Key Decisions.

### **4.4. Change in 2019/20 budget position**

Since February some of the key budget assumptions and circumstances underpinning the budget have changed. The following table sets out the changes since February and the resulting movement in the draft 2020/21 budget variance.

Main Changes - 2020/21	£000s
Budget Variance excluding Key Decisions	440
Previous Key Decisions	
E& PR - Key Decision deferred 2019/20 - Kerbside Saving	130
E& PR – Resolution Decision - Realignment of income and retention of free evening and weekend town centre carparking with no increases for charged areas	140
E & PR - Review of Service requirements resulting in new Trade Waste Officer (Cabinet report 2 September 2019)	41
E & PR - Review of Service income generated from new Trade Waste Officer post (Cabinet report 2 September 2019)	(41)
C & H – Increased income from Street Naming & Numbering fees and charges (Cabinet report 24 June 2019)	(40)
Other Proposals	
Council Tax reduction in line with spending review	46
E & PR- Staffing savings following review of licensing services	(33)
E & PR - Staffing savings following review of garage services	(31)
Inflationary increases within contracts and utilities	61
Other Services changes from outcome of Budget Meetings	49
<b>Total Budget Variance 2020/21</b>	<b>762</b>

*Table 2 – Changes to the Key assumptions resulting in the draft 2020/21 budget variance*

## 4.5. Funding changes

### Retained Business Rates

The main financial risk the Council faces is the impending reset of the current system (previously scheduled for 2020/21). Resetting the system would redistribute the business rates growth generated since 2013/14, the point at which the retained rates system was introduced.

The announcement of the one-year spending review, confirms that the Business Rate Retention System effectively rolls forward unchanged for another year. By implication, the business rates baselines, together with top-ups and tariffs, will also be increased in line with the multiplier. Rolling forward the baselines in this way effectively confirms that there will be no baseline reset in 2020/21.

The Medium-Term Financial Strategy adopted by Council in April 2018 included the following policy in relation to Retained Business Rates:

- Beyond the reset, it is proposed to gradually reduce the amount of business rates growth included in the base budget, with the long-term aim of only budgeting at the 'funding baseline' in the base budget; and
- After the reset all growth retained above the funding baseline is utilised to make revenue contributions to finance capital expenditure

This policy will now be postponed until 2021/22. MHCLG will “shortly be issuing a technical consultation on this year’s Local Government Finance Settlement setting out further details”. This will be used to inform future budget reports to Cabinet.

Until this time, the Business Rates income forecasts in the draft budget in section 6 remain unchanged to those reported to Council in February 2019.

As a result of this policy deferral, an additional contribution to the Business Rates Equalisation reserve can be made in 2020/21. This reserve has been established to mitigate against future fluctuations alongside the risks face by the council with changes with the business rates baseline and fair funding. In 2019/20 the forecast contribution is £1.9m.

During the 2018/19 financial year, a risk assessment of our corporate reserves which are used to respond to and manage financial risks was completed. What the risk assessment shows is that there is potentially a funding gap in our corporate reserves if all the risks present in the environment crystallised, particularly the funding risk and reserves would be depleted by 2022/23. This additional contribution to the Business Rates Equalisation Reserve helps to mitigate against this risk.

### **Council Tax**

The one-year spending review announced a reduction in the core Band D threshold from 3.0% to 2.0%.

In-line with the principles adopted in the Council’s medium-term financial strategy, for financial planning purposes it has been assumed that the Council will increase council tax by the maximum allowable increase. For this report, it has been assumed that we can increase council tax in 2020/21 by the higher of 2.0% or £5.

The Council Tax base assumptions have been reviewed for 2020/21, as informed by the Housing Trajectory produced by the Economic Development Service. At this stage, there are no anticipated changes to initial expectations.

The actual Tax base for the whole area is calculated in December and this will inform the draft budget report to Cabinet. Once the Tax base is approved at January Cabinet, these figures will form part of the Council setting paper approved by Cabinet on 3 February 2021.

### **New Homes Bonus**

The future of this funding remains unknown. Without any announcement about alternative plans, the assumption in the current MTFP is that the NHB scheme will operate the same as it does in 2019/20.

The current funding assumptions are shown within the following table, including the amounts that have been set aside for revenue contributions to capital expenditure.

	2020/21	2021/22	2022/23
New Homes Bonus	£000s	£000s	£000s
New Homes Bonus Funding	(2,426)	(3,264)	(4,286)
Revenue Contribution to Capital	285	838	1,022
Net contribution to budget	(2,141)	(2,426)	(3,264)

*Table 3 – Summary of estimated NHB over the medium term and how much is set aside to offset Capital*

The Medium-Term Financial Strategy adopted by Council in April 2018 included the following policy in relation to New Homes Bonus:

*A proportion of the Council's NHB allocations be withdrawn from the base budget by 2020, with the monies ring-fenced for revenue contributions to capital expenditure.*

This policy was adopted as part of the objective to achieve financial self-sufficiency. In order to do so, the organisation will need to taper its reliance on New Homes Bonus within its core income budget.

#### **4.6. Review of corporate items**

As per section 4.5, the Council agreed in the 2018-23 Medium Term Financial Strategy to taper its reliance on NHB income within the core income budget, in order to achieve financial self-sufficiency.

Any additional allocations over and above the reported figures have been transferred and ringfenced for Revenue Contributions to Capital Outlay (RCCO) to reduce the reliance on borrowing to finance the General Fund capital programme.

The amounts included for RCCO are shown within table that follows;

	2020/21	2021/22	2022/23
	£000s	£000s	£000s
RCCO per February 2018	266	816	0
In year change from NHB	19	22	1,023
Total	285	838	1,023

*Table 4 – Revenue Contributions to Capital February 2019*

The implication of the adoption of this policy, is that the Council will finance a greater proportion of its capital programme using revenue resources with an equivalent reduction in the proportion of the programme being financed by borrowing.

This will have the effect of allowing the Council to eliminate the need to borrow to finance its core capital programme by 2022/23. Furthermore, the Council would also be able to make Voluntary Revenue Payments (VRP) from 2022/23 onwards, effectively meaning the Council will be making additional payments over and above its scheduled debt repayment. By continuing to make these overpayments the Council would eliminate the underlying debt for the General Fund by 2032, compared to an existing 2052 timeframe.

The reduction in MRP and Net Cost of Borrowing costs arising from the adoption of this policy is as follows:

	2019/20 £000s	2020/21 £000s	2021/22 £000s	2022/23 £000s
Reduction in MRP	0	23	67	116
Reduction in Net Cost of Borrowing	3	10	31	57
<b>Total</b>	<b>3</b>	<b>33</b>	<b>98</b>	<b>173</b>

*Table 5 – Reduction in MRP and NCOB arising from RCCO*

## Minimum Revenue Provision

In addition to the above, updates to the capital programme for the period 2020/21 to 2022/23 have been included in the forecasts presented in this report. There remains a risk that some programmed spend in 2019/20 will require slippage into 2020/21. This would result in a reduction of MRP required for 2020/21. However, this only provides a one-off benefit to accommodate the slippage with the MRP charge moving into financial year 2021/22 instead. MRP forecasts will be updated in future budget reports to reflect all confirmed slippage.

## Net Cost of Borrowing

Budgets for Net Cost of Borrowing reflect the latest interest rate forecasts provided by our treasury advisors, Link Asset Services for the period 2020 to 2022. Bank Rate is anticipated to remain at 0.75% until late 2020, moving to 1%, with a further rise to 1.25% in March 2022. Amounts available for investment reflect available cash-backed General Fund and HRA balances, reserves and receipts forecast elsewhere in this report and in separate HRA budget setting documents. Borrowing requirements reflect the forecast General Fund Capital Financing Requirement (CFR, or underlying need to borrow) which tracks capital expenditure not financed from other sources, net of MRP, each year. Volatility in the delivery of existing capital programme items and/or the inclusion of new schemes, subject to Council approval, will influence the forecast. Net Cost of Borrowing forecasts will be updated in future budget reports to reflect all confirmed amendments.

At the time of writing this report, the Brexit situation in the UK remains “fluid” with no real certainty as to what may occur in the coming days, weeks and months. Given a range of potential outcomes, the central case for interest rates remains as stated above. Downside risks associated with a “no deal” Brexit may result in a loosening of monetary policy by the Bank of England and consequently a fall in base rate to 0.25% in 2019 and 0.50% in 2020.

## 4.7. Review of savings and income expectations

The tables below show a summary of Income and Saving proposals for 2020/21 following meetings between budget officers and the Financial Services. This is followed by a description of some of the key proposals;

Income	2020/21 £000s
Growth and Investment	(52)
Corporate Resources	(2)
Environment and Public Realm	39
Communities and Homes	(85)
Executive Director	23
<b>Total Income</b>	<b>(77)</b>

*Table 6 – Review of Income Proposals for the 2020/21 budget setting process*

Savings	2020/21 £000s
Growth and Investment	0
Corporate Resources	(11)
Environment and Public Realm	(109)
Communities and Homes	(140)
Executive Director	(20)
Corporate Items	(60)
<b>Total Savings</b>	<b>(339)</b>

*Table 7 – Review of Saving Proposals for the 2020/21 budget setting process*

## Income

- Growth & Investment – Planning Income increased to offset the growth items shown in table 8.
- Environment & Public Realm - Reduction on Town Centre car parking income related to the continuation of the offer of free parking at evenings and weekends. A separate review of this scheme is being completed which will be reported to Cabinet once completed.
- Communities & Homes – Additional income from the Lifeline service and full year's income expectation from Street Naming and Numbering.

## Savings

- Environment & Public Realm – Salary savings found across a number of services.
- Communities & Homes – Continued savings from the introduction of the acquisition proposal in 2019/20.
- Executive Director – Savings found within the Publicity & Marketing budget.

Detailed appendices will be reported to future Cabinet meetings.

## 4.8. Key assumptions on growth pressures

The table below is a revised summary of growth proposals for the 2020/21 which builds on amounts previously included within the MTFP reported 26 February 2019.;

Growth	2020/21 £000s
Salaries (including 2.5% Pay award)	501
Inflation Provision	71
Growth and Investment in Service Pressure	52
Corporate Resources in Service Pressure	15
Environment and Public Realm in Service Pressure	295
Communities and Homes in Service Pressure	27
Executive Director in Service Pressure	2
<b>Total Growth Requirements</b>	<b>963</b>

*Table 8 – Review of Growth Proposals for the 2020/21 budget setting process*

- Salaries – The revised estimate assumes 2.5% pay award and an amount similar to that in previous years for the pension liability. This amount once further information is known for both Salaries and the Triennial Actuarial Pension Valuation.
- Inflation – The reflects anticipated increases in contracts and utilities
- Growth & Investment – Increased budget for Legal Charges within Planning Services and costs associated with Consultancy within Development Strategy which will be offset with additional Planning income as shown on table 6.
- Environment & Public Realm – Increased costs relating to various proposals as listed in table 2.
- Communities & Homes – Increased Contractor costs within Warwickshire on Line Partnership.

Detailed appendices will be reported to future Cabinet meetings.

## **5. DRAFT Budget 2020/21**

At this stage, due to the uncertainties previously mentioned surrounding local government funding reform, the Draft Budget is presented for 2020/21 only.

## DRAFT BUDGET: GENERAL FUND 2020/21

	2020/21 £000s
Base budget brought forward (including Corporate Adjustments)	16,790
Growth Requirements	963
Other Corporate Adjustments	257
Savings and Income	(417)
<b>Savings to be Found</b>	<b>(762)</b>
Movement in Reserves	(1,777)
<b>Revised Budget Requirement</b>	<b>15,054</b>
<b>Financed by;</b>	
Government Funding	(2,682)
Council Tax	(8,318)
Business Rates including Damping	(3,988)
Empty homes and second home discount	(66)
<b>Total Funding Requirement</b>	<b>(15,054)</b>

*Table 9 – Summary of MTFP 2020/21 – October 2019.*

### 6. Draft Portfolio Capital Budgets

The draft position for the 2020/21 capital programme and onwards is included at Table 12 below. As can be seen, the total capital programme proposed for 2020/21 (including proposed carry-forward budgets from previous years) is **£2.126m**. Excluding grants, RCCO and other contributions, a net **£1.276m** of expenditure requires financing in 2020/21.

	2020/21 £000s	2021/22 £000s	2022/23 £000s
Growth and Investment	0	0	0
Communities and Homes	842	799	799
Environment and Public Realm	923	923	923
Corporate Resources	361	340	340
<b>Total</b>	<b>2,126</b>	<b>2,062</b>	<b>2,062</b>

*Table 10 – Draft Capital budget proposals for 2020/21 and future years*

A revised Asset Management Strategy 2018-23 was approved by Council on the 24 April 2018 and has informed the proposals included within the programme relating to the General Fund asset portfolio.

In addition, The Prudential Code for Capital Finance in Local Authorities was also updated by the Chartered Institute of Public Finance and Accountancy (CIPFA) in 2018. The code sets out that in order to demonstrate that an authority takes capital expenditure and investment decisions in line with service objectives and properly takes account of stewardship, value for money, prudence, sustainability and affordability, authorities should have in place a capital strategy. The capital strategy should set out the long-term context in which capital expenditure and investment decisions are made



and gives due consideration to both risk and reward and impact on the achievement of priority outcomes. An updated Capital Strategy incorporating the Investment and Treasury Management Strategy report for 2020/21 will be presented to Audit and Ethics Committee in January 2020 for approval by full Council thereafter.

As noted in section 4.6, additional allocations from New Homes Bonus have been transferred and ringfenced for revenue contributions to capital outlay (RCCO) to reduce the reliance on borrowing to finance the General Fund capital programme.

The implication of the adoption of this policy, is that the Council will finance a greater proportion of its capital programme using revenue resources with an equivalent reduction in the proportion of the programme being financed by borrowing.

This has the effect of allowing the Council to remove the need to borrow to finance its non-housing capital programme by 2022/23. Furthermore, the Council would also be able to make Voluntary Revenue Provision from 2022/23 onwards, effectively meaning the Council will be overpaying its current debt repayment schedule. Consequently, the Council would eliminate its General Fund underlying debt holding by 2032, compared to an existing 2052 timeframe.

For the 2020/21 draft General Fund revenue budget MRP is estimated at **£1.769m** (2019/20 **£1.552m**) resulting from historical borrowing and the additional borrowing undertaken to finance the 2019/20 capital programme as approved by Council in February this year.

## **7. Conclusion**

Local Government is continuing to experience significant challenges and is faced with making more difficult decisions on the services offered and delivered by councils. Within Rugby, the Council continues its journey through growth and investment and needs to continue taking steps to build on this.

This report has provided an introductory review of the budget position for 2020/21 that will be developed throughout the budget setting process. This initial review suggests that there is still considerable work to be done to deliver a balanced budget for 2020/21. Options for delivering a balanced budget will be presented to Cabinet as key decisions and will feature as part of future budget setting reports.

Beyond 2020/21 the picture is much more uncertain because of the unknowns associated with the reform of local government funding.

**Name of Meeting:** Cabinet  
**Date of Meeting:** 7 October 2019  
**Subject Matter:** Initial Review of General Fund Budget  
**Originating Department:** Head of Corporate Resources and CFO

**DO ANY BACKGROUND PAPERS APPLY**       **YES**       **NO**

**LIST OF BACKGROUND PAPERS**

<b>Doc No</b>	<b>Title of Document and Hyperlink</b>

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

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Exempt information is contained in the following documents:

<b>Doc No</b>	<b>Relevant Paragraph of Schedule 12A</b>

## Appendix 1

Draft General Fund Revenue Summary 2020/21	2018/19 Original Budget £000s	In Year Adjustments £000s	2019/20 Revised Budget £000s	Corporate Adjustments £000s	Total Inflation £000s	Salary Adjustments £000s	Proposed Growth Items £000s	Proposed Income Adjustments £000s	Savings £000s	2020/21 Draft Budget £000s
<b>EXPENDITURE:</b>										
Growth & Investment	2,886	68	2,954	66	5	115	52	(52)	0	3,139
Corporate Resources	970	32	1,002	(34)	26	182	15	(2)	(11)	1,178
Environment & Public Realm	6,921	130	7,051	(192)	39	131	295	39	(108)	7,255
Communities & Homes	2,269	0	2,269	3	1	(10)	28	(85)	(140)	2,064
Executive Director's Office	1,964	8	1,972	(8)	0	11	2	23	(20)	1,979
Corporate Items	(21)	0	(21)			73			(60)	(8)
<b>PORTFOLIO EXPENDITURE</b>	<b>14,989</b>	<b>238</b>	<b>15,227</b>	<b>(166)</b>	<b>71</b>	<b>501</b>	<b>392</b>	<b>(77)</b>	<b>(339)</b>	<b>15,608</b>
Less Capital Charge Adjustment	(2,693)		(2,693)	(0)	0	0	0	0	0	(2,693)
Less Corporate Savings Target (including salary voids)	(300)	0	(300)	0	0	0	0	0	0	(300)
Less Pension Adjustment	(328)		(328)	(22)	0	0	0	0	0	(350)
<b>NET PORTFOLIO EXPENDITURE</b>	<b>11,668</b>	<b>238</b>	<b>11,906</b>	<b>(189)</b>	<b>71</b>	<b>501</b>	<b>392</b>	<b>(77)</b>	<b>(339)</b>	<b>12,265</b>
Net Cost of Borrowing	297	0	297	(15)	0	0	0	0	0	282
Minimum Revenue Provision (MRP)	1,552	0	1,552	217	0	0	0	0	0	1,769
Revenue Contribution to Capital Outlay	199	0	199	285	0	0	0	0	0	484
	0	0	0	0	0	0	0	0	0	0
Contribution to Business Rate Equalisation Reserve	1,964	0	1,964	(1,777)	0	0	0	0	0	187
Contribution to Earmarked Reserve Council Tax	256		256	(251)	0	0	0	0	0	5
<b>TOTAL EXPENDITURE (before Parish Precepts)</b>	<b>15,936</b>	<b>238</b>	<b>16,174</b>	<b>(1,729)</b>	<b>71</b>	<b>501</b>	<b>392</b>	<b>(77)</b>	<b>(339)</b>	<b>14,992</b>
Parish Council Precepts and Council Tax Support	803	0	803	20	0	0	0	0	0	823
<b>TOTAL EXPENDITURE</b>	<b>16,740</b>	<b>238</b>	<b>16,978</b>	<b>(1,709)</b>	<b>71</b>	<b>501</b>	<b>392</b>	<b>(77)</b>	<b>(339)</b>	<b>15,816</b>
<b>INCOME:</b>										
Retained Business Rates (Net of Tariff)	(6,269)		(6,269)	2,282	0	0	0	0	0	(3,987)
New Homes Bonus Funding	(2,141)	0	(2,141)	(285)	0	0	0	0	0	(2,426)
Government Grants	(321)	0	(321)	65	0	0	0	0	0	(257)
Council Tax	(7,914)	0	(7,914)	(404)	0	0	0	0	0	(8,318)
Council Tax - Empty Property	(66)	0	(66)	0	0	0	0	0	0	(66)
Collection Fund Surplus(-)/Deficit	97	0	97	(97)	0	0	0	0	0	0
Contribution from Reserves & Balances	(126)	0	(126)	126	0	0	0	0	0	0
<b>TOTAL INCOME</b>	<b>(16,740)</b>	<b>0</b>	<b>(16,740)</b>	<b>1,686</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(15,054)</b>
<b>VARIANCE ON MTFP BUDGET</b>	<b>0</b>	<b>238</b>	<b>238</b>	<b>(23)</b>	<b>71</b>	<b>501</b>	<b>392</b>	<b>(77)</b>	<b>(339)</b>	<b>762</b>

**AGENDA MANAGEMENT SHEET**

**Report Title:** Amendment to Civil Penalties Policy for Private Sector Housing

**Name of Committee:** Cabinet

**Date of Meeting:** 7 October 2019

**Report Director:** Head of Environment and Public Realm

**Portfolio:** Environment and Public Realm

**Ward Relevance:** All

**Prior Consultation:** Head of Environment and Public Realm,  
Manager of Regulatory Services

**Contact Officer:** David Burrows, Regulatory Services Manager,  
Tel: (01788) 533806

**Public or Private:** Public

**Report Subject to Call-In:** Yes

**Report En-Bloc:** No

**Forward Plan:** Yes

**Corporate Priorities:** This report relates to the following priority(ies):

**(CR) Corporate Resources**  To provide excellent, value for money services and sustainable growth

**(CH) Communities and Homes**  Achieve financial self-sufficiency by 2020

**(EPR) Environment and Public Realm**  Enable our residents to live healthy, independent lives

**(GI) Growth and Investment**  Optimise income and identify new revenue opportunities (CR)

Prioritise use of resources to meet changing customer needs and demands (CR)

Ensure that the council works efficiently and effectively (CR)

Ensure residents have a home that works for them and is affordable (CH)

Deliver digitally-enabled services that residents can access (CH)

Understand our communities and enable people to take an active part in them (CH)

Enhance our local, open spaces to make them places where people want to be (EPR)

- Continue to improve the efficiency of our waste and recycling services (EPR)
- Protect the public (EPR)
- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)
- This report does not specifically relate to any Council priorities but

**Statutory/Policy Background:**

Cabinet on 25 June 2018 considered a report concerning changes in legislation related to the Housing and Planning Act 2016. It was recommended to council that the Private Sector Housing Enforcement Policy, the Private Sector Housing Houses in Multiple Occupation (revised) Licensing Policy and the Private Sector Housing Civil Penalties Policy were considered; they were all subsequently approved.

**Summary:**

This report proposes an amendment to Private Sector Housing Civil Penalties Charging Policy. Following outcomes from a First-Tier Property Tribunal case for a neighbouring authority, detail has been added to the charging table and associated text to demonstrate the factors the Council will consider ensuring a fair and consistent approach when determining civil penalties.

**Financial Implications:**

The use of Civil Penalties will result in the Council imposing a financial penalty on private landlords or property agents. Civil Penalties can be appealed to the First Tier tribunal. Where the landlord or agent fails to pay a civil penalty, the council may refer the case to the county court for a Court Order. If necessary, use county court bailiffs for enforcement and debt recovery. This will incur costs and the amount secured.

**Risk Management Implications:**

The Council is required to licence and enforce Housing and HMO legislation within the private rented sector.

**Environmental Implications:**

This policy is part of the framework for regulation and enforcement to the private rented sector.

**Legal Implications:**

The Housing Act 2004 was amended by the Housing and Planning Act 2016 to allow local authorities to use enforcement powers and impose a financial penalty as an alternative to prosecution for certain housing offences. The law allows a maximum financial penalty of £30,000 to be imposed per offence. The use of Civil Penalties is restricted to tackling irresponsible private rented sector landlords and agents.

**Equality and Diversity:**

Licensing is in accordance with specific housing legislation and guidance, an equality impact assessment is not required. The Council has had due regard to its public sector equality duty in accordance with the Equality Act 2010. The outcomes from the full report in June 2019 have not been affected by the proposed amendment to the charging policy.

**Options:**

1. Take no action
2. Approve the amendments as written
3. Approve the amendments with added comments

**Recommendation:**

IT BE RECOMMENDED TO COUNCIL THAT the updated Private Sector Housing Civil Penalties Policy (as set out in Appendix 1 to the report) be approved.

**Reasons for Recommendation:**

The proposed amendment to the Civil penalty policy will benefit officers in evaluating each case on its merits. This provides disclosable evidence to tribunals and/or courts. Thereby demonstrating the councils reasonableness in its decision making.

**Cabinet - 7 October 2019**

**Amendment to Clvic Penalties Policy for Private Sector Housing**

**Public Report of the Head of Environment and Public Realm**

**Recommendation**

IT BE RECOMMENDED TO COUNCIL THAT the updated Private Sector Housing Civil Penalties Policy (as set out in Appendix 1 to the report) be approved.

**1. Introduction**

The Council has powers and duties to regulate standards of safety in private sector housing accommodation. From time to time, those powers are revised as developed best practice and court decisions require, to introduce more effective tools to protect resident's safety and health. These can include both physical housing standards, overcrowding, the provision of amenities and essential utilities, licensing of certain shared housing (Houses in Multiple Occupation or HMOs), provision of smoke detectors and carbon monoxide alarms, protection from retaliatory eviction and related matters.

The Council has an enforcement policy which describes how those powers can be used, to provide a balanced and transparent service which functions for both tenants and landlords and their agents. These were updated and approved by Cabinet on 25 June 2019.

**2. Background**

Rugby Borough Council's Neighbourhood Services Team is committed to ensuring good quality, healthy housing for all, by improving standards within the private housing sector.

The majority of private landlords operate within the law, providing a high standard of rented accommodation. The Neighbourhood Services Team works with landlords where necessary to provide advice and guidance to support them to achieve compliance. However, in cases where landlords put their tenant's health and safety at risk and fail to comply with their statutory obligations we will take enforcement action in accordance with the Private Sector Housing Enforcement Policy included within is the newly introduced Private Sector Housing Civil Penalty Policy.

**3. Purpose**

The purpose of this policy is to ensure transparency, consistency and fairness in how and when civil penalties are imposed. In setting the original framework for determining the level of civil penalty in any particular case the Neighbourhood

Services Team had consulted with the other Warwickshire local authorities to ensure consistency in its approach.

The policy has been challenged (with regards to a challenge of the Warwick District Council policy which is very similar to our current policy) at a first-tier tribunal hearing as being too simplistic, for instance the penalty for the failure to licence is set at £10,000 however the tribunal stated “there is no mechanism to adjust this for the period of the offence or for discretion to allow for mitigation for factors such as, for example, “illness of the applicant (Landlord)” <https://www.gov.uk/residential-property-tribunal-decisions/8-palmer-road-whitnash-leamington-spa-cv31-2hp-bir-44uf-hna-2019-0002>

With this in mind and the Council’s research into other authorities’ practices and policies, officers propose an amendment to the Council’s operational procedure to include consideration of severity, risk and a section on culpability with the aim of reviewing the penalty imposed to enable a fair and considered outcome.

The proposed amended Private Sector Housing Civil Penalties Policy is attached at Appendix 1.

#### **4. Implementation of New Regulation**

Officers are mindful the Ministry for Housing, Communities and Local Government Association (MHCLGA) have not produced or recommended a ‘Civil Penalties Format or Matrix’, akin to the sentencing guidance, on these new powers, leaving Councils to produce their own. Research has found several that are being used and tested within first-tier tribunals, it is envisaged these are likely to be held up as good practice. Additionally, a consortium of Greater London Authorities is also working on such a document which will – when produced - be referred to alongside any other relevant professional guidance in determining Civil Penalty levels and discounts.

Such documents may be added as references to this policy in due course.

The actions of the Council and its officers have to be accountable, evidenced and proportional. The proposed civil penalty policy amendments will benefit officers in evaluating the merits of each case. This evaluation could form part of an evidence file which may then be disclosable to the Tribunal or similar body. This, however, should be an advantage as it will demonstrate the Council’s reasonableness in reaching its decisions.

The application of a civil penalty will be made in accordance with the Private Sector Housing Enforcement Policy as part of the enforcement options available to the Neighbourhood Services Team to achieve safe and healthy private sector housing. It will assist the Council to deal with those criminal and irresponsible landlords who put tenants at unacceptable risks.

The revised policy is required now, rather than waiting for matrices or consistency with other local authorities due to the fact the Council is starting to use civil penalties and anticipate them to be challenged, so a revised policy is required to reduce the risk to the council.



## **5. Summary**

The Private Sector Housing Civil Penalties Policy uses powers introduced in the Housing and Planning Act 2016 and introduces new options for the officer toolkit for discouraging and penalising poor landlords who put tenants at risk.

While the Housing Act 2004 does include actions which can be taken to require works to be completed and give formal cautions or prosecutions of 'rogue landlords', the levels of fines means that it is often not a deterrent so it is important to be able to use whatever powers are available, including the Housing and Planning Act 2016 and the Proceeds of Crime Act 2002.

The Private Sector Housing Civil Penalties Policy provides the framework for the implementation of civil penalties as an appropriate enforcement intervention, including the means to calculate the level of financial penalty which is to be imposed, up to a maximum of £30,000.

**Name of Meeting:** Cabinet

**Date of Meeting:** 7 October 2019

**Subject Matter:** Amendment to Civil Penalties Policy for Private Sector Housing

**Originating Department:** Environment and Public Realm

**DO ANY BACKGROUND PAPERS APPLY**  **YES**  **NO**

**LIST OF BACKGROUND PAPERS**

Doc No	Title of Document and Hyperlink
	Agenda and minutes of meeting of Cabinet 25 <sup>th</sup> June 2018 <a href="https://www.rugby.gov.uk/meetings/meeting/911/cabinet">https://www.rugby.gov.uk/meetings/meeting/911/cabinet</a>
	Council policies on HMOs <a href="https://www.rugby.gov.uk/info/20078/houses_in_multiple_occupation_hmos/162/houses_in_multiple_occupation_hmos">https://www.rugby.gov.uk/info/20078/houses_in_multiple_occupation_hmos/162/houses_in_multiple_occupation_hmos</a> <a href="https://www.rugby.gov.uk/downloads/file/2358/private_sector_housing_civil_penalties_policy">https://www.rugby.gov.uk/downloads/file/2358/private_sector_housing_civil_penalties_policy</a> updated July 2019

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

## **Rugby Borough Council**

### **Private Sector Housing Civil Penalties Policy**

#### **1. Introduction**

- 1.1 Rugby Borough Council's Neighbourhood Services Team is committed to ensuring good quality, healthy housing for all, by improving standards within the private housing sector.
- 1.2 The Borough's private rented sector has grown substantially over recent years. The majority of private landlords operate within the law, providing a high standard of rented accommodation. The Neighbourhood Services Team work with landlords where necessary to provide advice and guidance to support them to achieve compliance. However, in cases where landlords put their tenant's health and safety at risk and fail to comply with their statutory obligations we will take enforcement action in accordance with the Private Sector Housing Enforcement Policy.
- 1.3 The Housing and Planning Act 2016 introduced civil penalties of up to £30,000 as an alternative to prosecution for certain specified offences.

#### **2. Purpose**

- 2.1 The purpose of this policy is to ensure transparency, consistency and fairness in how and when civil penalties are imposed. In setting a framework for determining the level of civil penalty in any particular case the Neighbourhood Services Team has consulted with the other Warwickshire local authorities to ensure consistency in its approach but has also incorporated decisions from the First-Tier Tribunal, Property Chamber (Residential Property).
- 2.2 The application of a civil penalty will be made in accordance with the Private Sector Housing Enforcement Policy as part of the enforcement options available to the Neighbourhood Services Team to achieve safe and healthy private sector housing. It will assist us to deal with those criminal and irresponsible landlords who put tenants at unacceptable risks.

#### **3. Legislative Background**

- 3.1 The Housing and Planning Act 2016 came into force on 6 April 2017 and introduced provisions for local authorities to impose civil penalties of up to £30,000 as an alternative to prosecution for certain housing offences. Those offences for which a civil penalty may be applied are:
  - Failure to comply with an improvement notice (Housing Act 2004 section 30)
  - Offences relating to licensing of houses in multiple occupation (HMOs) (Housing Act 2004 section 72)

- Offences relating to licensing of houses under Part 3 of the Housing Act 2004 (Housing Act 2004 section 95)
  - Failure to comply with an overcrowding notice (Housing Act 2004 section 139)
  - Failure to comply with management regulations in respect of houses in multiple occupation (Housing Act 2004 section 234)
  - Breach of a banning order (Housing and Planning Act 2016 section 21)
- 3.2 A civil penalty may only be imposed if the Neighbourhood Services Team is satisfied, beyond reasonable doubt, that the offence has been committed and civil penalties can only be used as an alternative to prosecution. This means that, if a civil penalty has already been imposed, the offender cannot be prosecuted for the same offence. Likewise, a person who has been (or is being) prosecuted for a particular offence cannot be issued with a civil penalty for the same offence.
- 3.3 Only one civil penalty may be imposed on a person for the same offence. However, in respect of breaches of the HMO management Regulations, a civil penalty can be imposed for the breaching of each separate Regulation.
- 3.4 Statutory guidance has been issued under the Housing and Planning Act 2016 which the Council must have regard to in the exercise of its functions in respect of civil penalties and Schedule 9 of the Housing and Planning Act 2016 covers the procedure for imposing civil penalties, their appeal and enforcement.

#### **4. Determining the Level of Civil Penalty**

- 4.1 The Council has the power to impose a maximum civil penalty of £30,000. Generally, this will be reserved for the worst offenders. To ensure the civil penalty is set at an appropriate level, the Council will consider the following factors:
- Severity of the offence – the more serious the offence, the higher the penalty.
  - Culpability and track record of the offender – a higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.
  - The harm caused to the tenant – the greater the harm or the potential for harm, the higher the penalty.
  - Punishment of the offender – A civil penalty should be set at a high enough level to help ensure it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.
  - Whether the penalty will deter the offender from repeating the offence – the level of penalty should be set at a high enough level that it is likely to deter the offender from repeating the offence.
  - Whether the penalty will deter others from committing similar offences – the penalty should be high enough so that, should other landlords become aware

of a civil penalty having been imposed, other landlords will be deterred from committing offences.

- Whether the penalty will remove any financial benefit the offender may have obtained as a result of committing the offence – the penalty imposed should ensure the offender does not benefit as a result of committing the offence.

4.2 In setting a financial penalty, the Council may conclude that the offender is able to pay any financial penalty imposed, unless the offender has supplied suitable and sufficient financial information to the contrary. It is for the offender to disclose to the Council such data relevant to his financial position as this will enable it to assess and determine what they can reasonably afford to pay.

4.3 Where the council is not satisfied that it has been given sufficient reliable information, it will be entitled to draw reasonable inferences as to the offenders' financial means from the evidence it has heard and from all the circumstances of the case. **This may include the inference that the offender can afford to pay any financial penalty.**

4.4 All income received from a civil penalty will be retained by the Council's Regulatory Services to be used to further its statutory functions in relation to their enforcement activities covering the private rented sector, as specified within the Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017.

4.5 All decisions will be documented. This will include the reasons for the financial penalty and how the amount of the penalty was determined.

## 5. Procedure for Imposing Civil Penalties

5.1 The procedure for imposing a civil penalty is set out in Schedule 13A of the Housing Act 2004 and Schedule 1 of the Housing and Planning Act 2016.

5.2 At the point the Neighbourhood Services Team has sufficient evidence of the conduct to which the penalty relates, or at any time the conduct is continuing, a Notice of intent has to be issued to the person within 6 months. This notice of intent must set out:

- The amount of the proposed civil penalty;
- The reasons for proposing to impose the civil penalty; and
- Information about the right of the landlord to make representations to the Council.

5.3 A person who is given a notice of intent may make written representations to the Council about the proposal to impose a civil penalty with 28 days from the date of the notice. After the 28-day period the Council will consider any representations made and decide whether to impose the civil penalty and, if so, the amount of the penalty.

- 5.4 If the Council decides to impose the civil penalty a Final Notice shall be issued requiring the civil penalty to be paid within 28 days. This final notice must set out:
- The amount of the civil penalty;
  - The reasons for imposing the civil penalty;
  - Information about how to pay the civil penalty;
  - The period for payment of the civil penalty;
  - Information about the right of appeal to the First-tier Tribunal;
  - The consequences of failure to comply with the Final Notice.
- 5.5 The Council may at any time:
- Withdraw the notice of intent or final notice; or
  - Reduce the amount specified in a notice of intent or final notice at any time.

Where the Council decides to take either action, it will give written notice to the person to whom the notice was given.

- 5.6 On receipt of a final notice a landlord may appeal to the First-tier Tribunal against the decision to impose a civil penalty and/or the amount of penalty. This appeal must be made within 28 days of the date the final notice was served. Upon any appeal, the final notice is suspended until the appeal is determined or withdrawn.
- 5.7 The First-tier Tribunal has the power to confirm, vary (increase or decrease) the size of the civil penalty imposed by the Council, or to cancel the civil penalty. The First-tier Tribunal can dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious or an abuse of process, or has no reasonable prospect of success.

## **6. Enforcement of Civil Penalties**

- 6.1 Where the landlord or property agent fails to pay the full civil penalty, the Council will recover the amount by order from the County Court. Where appropriate, the Council will further seek to recover those costs incurred in taking this action from the person to which the civil penalty relates.
- 6.2 Where a landlord receives two or more civil penalties over a 12-month period the Council will consider whether it is appropriate to include the persons details in the database of rogue landlords and property agents. In doing so, this will ensure other local authorities in England are made aware that formal action has been taken against the landlord.
- 6.3 If a landlord receives a civil penalty, the Neighbourhood Services Team will, where appropriate, take this fact, and their payment of it, into account when considering whether the landlord is a fit and proper person to be the licence holder for a house in multiple occupation.

## **7. Penalty Charging Table**

- 7.1 The following table will be used by the Neighbourhood Services Team to calculate the level of civil penalty. The financial penalty to be imposed is on a scale, starting at an initial level which will be increased if there are applicable aggravating factors.

### Charging table for determining value of Financial Penalties

<b>Failure to comply with an Improvement Notice (Section 30)</b>		<b>£</b>
1st offence	(note 1)	5000
2nd subsequent offence by same person/company	(note 2)	15000
<b>Premiums (use all that apply)</b>		<b>£</b>
Acts or omissions demonstrating high culpability	(note 8)	+2500 (H) +1500 (M) + 750 (L)
Multiple Category 1 or high Category 2 Hazards	(note 4)	+2500
Vulnerable occupant and/or significant harm occurred as result of housing conditions	(note 5)	+2500 (H) +1500 (M) + 750 (L)
Perpetrator demonstrates Income to be less than £440/week	(note 6)	-50%

<b>Offences in relation to licensing of HMOs under Part 2 of the Act (Section 72)</b>		<b>£</b>
Failure to obtain property Licence (section 72(1))	(note 1)	10000
2nd subsequent offence by same person/company	(note 2)	30000
Perpetrator demonstrates Income to be less than £440/week	(note 6)	-50%
Breach of Licence conditions (Section 72(2) and (3)) - Per licence breach		5000
Perpetrator demonstrates Income to be less than £440/week	(note 6)	-50%
<b>Premiums (use all that apply)</b>		<b>£</b>
Acts or omissions demonstrating high culpability	(note 8)	+2500 (H) +1500 (M) + 750 (L)
Vulnerable occupant and/or significant harm occurred as result of housing conditions	(note 5)	+2500 (H) +1500 (M) + 750 (L)
Perpetrator demonstrates Income to be less than £440/week	(note 6)	-50%
Perpetrator demonstrates Income to be less than £440/week	(note 6)	-50%

<b>Offences in relation to licensing of HMOs under Part 3 of the Act (Section 95)</b>		<b>£</b>
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<i>Failure to Licence (section 95(1))</i>	<i>(note 1)</i>	10000
<i>2nd subsequent offence by same person/company</i>	<i>(note 2)</i>	30000
<i>Perpetrator demonstrates Income to be less than £440/week</i>	<i>(note 6)</i>	-50%
<i>Breach of Licence conditions (Section 95(2)) - Per licence breach</i>		5000
<i>Perpetrator demonstrates Income to be less than £440/week</i>	<i>(note 6)</i>	-50%
<b>Premiums (use all that apply)</b>		<b>£</b>
<i>Acts or omissions demonstrating high culpability</i>	<i>(note 8)</i>	+2500 (H) +1500 (M) + 750 (L)
<i>Vulnerable occupant and/or significant harm occurred as result of housing conditions</i>	<i>(note 5)</i>	+2500 (H) +1500 (M) + 750 (L)
<i>Perpetrator demonstrates Income to be less than £440/week</i>	<i>(note 6)</i>	-50%

<b>Offences of contravention of an overcrowding notice (section 139)</b>		<b>£</b>
<i>1st relevant offences</i>	<i>(note 1)</i>	5000
<i>2nd subsequent offence by same person/company</i>	<i>(note 2)</i>	15000
<b>Premiums (use all that apply)</b>		<b>£</b>
<i>Acts or omissions demonstrating high culpability</i>	<i>(note 8)</i>	+2500 (H) +1500 (M) + 750 (L)
<i>Vulnerable occupant and/or significant harm occurred as result of overcrowding</i>	<i>(note 5)</i>	+2500 (H) +1500 (M) + 750 (L)
<i>Perpetrator demonstrates Income to be less than £440/week</i>	<i>(note 6)</i>	-50%

<b>Failure to comply with management regulations in respect of HMOs (Section 234)</b>		<b>£</b>
<i>1<sup>st</sup> relevant offences</i>	<i>(note 1)</i>	1000/offence
<i>Second subsequent offences by same person/company for the same offence</i>	<i>(note 2)</i>	3000/offence
<b>Premiums (use all that apply)</b>		<b>£</b>
<i>Acts or omissions demonstrating high culpability</i>	<i>(note 8)</i>	+2500 (H) +1500 (M) + 750 (L)
<i>Vulnerable occupant and/or significant harm occurred as result of housing conditions</i>	<i>(note 5)</i>	+2500 (H) +1500 (M) + 750 (L)
<i>Perpetrator demonstrates Income to be less than £440/week</i>	<i>(note 6)</i>	-50%



**NOTES****Note 1 – Offences that may be dealt with by way of imposing a financial penalty**

1. The starting point for a financial penalty is based on the number of previous convictions or imposition of a financial penalty for the same type of offence in the previous four years.
2. After the starting point has been determined, relevant Premiums are added to the starting amount to determine the full financial penalty to be imposed
3. No single financial penalty may be over £30,000. Where the addition of all relevant premiums would put the penalty above the maximum, it shall be capped at £30,000

**Note 2 - 2nd subsequent offence by same person/company**

The Council will take into account any such convictions or financial penalties irrespective of the locality to which the offence relates.

**Note 4 - Multiple Category 1 or high Category 2 Hazards**

1. This premium will apply where the failure to comply with the Improvement Notice relates to three or more Category 1 or high scoring Category 2 hazards associated with different building deficiencies. For the avoidance of doubt this means that where two hazards are present but relate to the same property defect, they are counted as one hazard for purposes of this calculation.
2. For the purpose of this premium, a high scoring category 2 hazard is defined as one scored following the Housing Health and Safety Rating System as “D” or “E”.

**Note 5 - Vulnerable occupant and/or significant harm occurred as result of housing conditions**

1. This premium will be applied once if either the property is occupied by a vulnerable person or if significant harm has occurred as a result of the housing conditions.
2. For purposes of this premium a vulnerable person is defined as someone who forms part of a vulnerable group under Housing Health and Safety Rating System relating to hazards present in the property or an occupant or group of occupants considered by the Council to be at particular risk of harm that the perpetrator ought to have had regard.
3. For purposes of this premium, significant harm is defined as physical or mental illness or injury that corresponds to one of the four classes of harm under the Housing Health and Safety Rating System Operating Guidance.
4. At the time of publication this document can be found at [www.gov.uk](http://www.gov.uk) and a summary table is provided below:

<b>Hazard</b>	<b>Vulnerable age group (age of occupant)</b>
Damp and mould growth	14 and under
Excess Cold	65 or over
Excess Heat	65 or over
Carbon Monoxide	65 or over
Lead	under 3 years
Personal Hygiene, Sanitation and Drainage	under 5 years
Falls associated with baths etc.	60 or over
Falling on level surfaces etc.	60 or over
Falling on stairs etc.	60 or over
falling between levels	under 5 years
Electrical hazards	under 5 years

Fire	60 or over
Flames, hot surfaces etc.	under 5 years
Collision and entrapment	under 5 years
Collision and entrapment - low headroom	16 or over
Position and operability of amenities etc.	60 or over

### Level of harm

When considering the level of harm both the actual, potential and likelihood of the harm will be considered

#### High

A high level of harm could constitute:

- Serious effect on individual(s) or widespread impact
- Harm to a vulnerable individual
- High risk of an adverse effect on an individual
- Serious level of overcrowding

#### Medium

A medium level of harm could constitute:

- Adverse effect on an individual – not high level of harm
- Medium risk of harm to an individual
- Low risk of a serious effect
- The Council's work as a regulator to address risks to health is inhibited
- Consumer/tenant mislead

#### Low

A low level of harm could constitute:

- Low risk of harm or potential harm
- Little risk of an adverse effect on individual(s)

The above examples are not exclusive and other factors may be taken into account when considering the level of harm.

The statutory guidance states that the harm caused, and vulnerability of the individual are important factors in determining the level of the penalty.

The Housing act 2004 defined the vulnerable individual(s) as one who is at greater harm and therefore the penalty proposed will normally be greater when vulnerability is an issue.

### Note 6 - Perpetrator demonstrates Income to be less than £440/week

1. This premium will be applied after all other relevant premiums have been included and if applicable will reduce the overall financial penalty by 50%.
2. To be applicable, the person served by the Notice of Intent must provide sufficient documented evidence of income.
3. The figure of £440/week is to be calculated after omission of income tax and national insurance.
4. The Council reserves the right to request further information to support any financial claim, and where this is incomplete or not sufficiently evidenced may determine that the premium should not be applied.

**IMPORTANT:** although the Council will not normally consider carrying out a full financial investigation, it reserves the right to do so where it considers it reasonable and proportionate to the circumstances.

**Note 7 - Previous history of non-compliance with these provisions**

1. This premium is applied where there has been a conviction or imposition of a financial penalty for the same type of offence in the previous four years.
2. The Council will take into account any such convictions or financial penalties irrespective of the locality to which the offence relates.

**Note 8 – Acts or omissions demonstrating high culpability**

Section 143(1) Criminal Justice Act 2003 states “In considering the seriousness of any offence the court must consider the offenders culpability in committing the offence and any harm which the offence caused, was intended to cause or might foreseeably cause”. It also considers the harm as encompassing those offences where harm is caused but also those where neither individuals nor the community suffer harm, but a risk of harm is present.

In order to set the level of the penalty the Council will determine the offence category using the culpability and harm factors below:

**Culpability and track record of an offender**

The level of culpability of a person will depend upon a number of factors:

**High level of culpability**

A person will be deemed to be highly culpable when they intentionally or recklessly breach or wilfully disregard the law:

- They have a history of non-compliance
- Despite a number of opportunities to comply they have failed to do so
- Have been obstructive as part of the investigation
- Failure to comply results in significant risk to individuals
- Are a member of a recognised landlord/letting agency association or accreditation scheme
- Are a public figure who should have been aware of their actions
- Are an experienced landlord/agent with a portfolio of properties failing to comply with their obligations
- Serious and/or systematic failure to comply with their legal duties

**Medium level of culpability**

A person commits an offence through an act or omission a person exercising reasonable care would not commit:

- It is a first offence – with no high-level culpability criteria being met i.e. a member of an accreditation scheme
- Failure is not a significant risk to individuals
- The landlord/agent had systems in place to manage risk or comply with their legal duties, but these were not sufficient or adhered to or implemented.

**Low level of culpability**

A person fails to comply or commit an offence with little fault:

- No or minimal warning of circumstances/risk
- Minor breaches
- Isolated occurrence
- A significant effort has been made to comply but was inadequate in achieving compliance

The above examples are not exclusive and other factors may be taken into account when considering the level of culpability.

**Adjustments to the Initial Determination**

In order to determine the final penalty, the Council will consider both aggravating and mitigating factors in each case. These will adjust the initial level of the penalty based on these factors.

Below is a list of both aggravating and mitigation factors which will be considered as part of the determination.

The list is not exhaustive and other factors may be considered depending on the circumstances of each case.

**Aggravating factors could include:**

- Previous convictions having regard to the offence to which applies, and time elapsed since the offence
- Motivated by financial gain
- Obstruction of the investigation
- Deliberate concealment of the activity/evidence
- Number of items of non-compliance – greater the number the greater the potential aggravating factor
- Record of letting substandard accommodation
- Record of poor management/ inadequate management provision
- Lack of a tenancy agreement/rent paid in cash

When considering previous offences regard should be given to the guidance on Banning Orders as well as any relevant offence such as trafficking etc.

**Mitigating factors could include:**

- Cooperation with the investigation e.g. turns up for the PACE interview
- Voluntary steps taken to address issues e.g. submits a licence application
- Acceptance of responsibility e.g. accepts guilt for the offence(s)
- Willingness to undertake training
- Willingness to join recognised landlord accreditation scheme
- Health reasons preventing reasonable compliance – mental health, unforeseen health issues, emergency health concerns
- No previous convictions
- Vulnerable individual(s) where their vulnerability is linked to the commission of the offence
- Good character and/or exemplary conduct

For each aggravating or mitigating factor which applies to each specific case the level of fine will be adjusted by (+/-) 5% of the initial fine, up to the maximum £30k or to the minimum fine for each offence.

The only exception to this principle will normally be for the number of items of non-compliance which will be 5% for the first 5 items and 10% for any number of items greater than this level of non-compliance with items on any notice which has not been complied with.

**Totality Principle**

If issuing a financial penalty for more than one offence, or where the offender has already been issued with a financial penalty, consider whether the total penalties are just and proportionate to the offending behaviour.

Where the offender is issued with more than one financial penalty, the Council should consider the following guidance from the definitive guideline on ‘*Offences Taken into Consideration and Totality.*’

Accessible from: <https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/totality/>  
[https://www.sentencingcouncil.org.uk/wp-content/uploads/public\\_guide\\_totality\\_for\\_web.pdf](https://www.sentencingcouncil.org.uk/wp-content/uploads/public_guide_totality_for_web.pdf)

*“The total financial penalty is inevitably cumulative.*

*The Council should determine the financial penalty for each individual offence based on the seriousness of the offence and taking into account the circumstances of the case including the financial circumstances of the offender so far as they are known, or appear, to the Council.*

*The Council should add up the financial penalties for each offence and consider if they are just and proportionate.*

*If the aggregate total is not just and proportionate the Council should consider how to reach a just and proportionate financial penalty. There are a number of ways in which this can be achieved.*

*For example:*

- *Where an offender is to be penalised for two or more offences that arose out of the same incident or where there are multiple offences of a repetitive kind, especially when committed against the same person, it will often be appropriate to impose for the most serious offence a financial penalty. This should reflect the totality of the offending where this can be achieved within the maximum penalty for that offence. No separate penalty should be imposed for the other offences;*
- *Where an offender is to be penalised for two or more offences that arose out of different incidents, it will often be appropriate to impose a separate financial penalty for each of the offences. The Council should add up the financial penalties for each offence and consider if they are just and proportionate. If the aggregate amount is not just and proportionate the Council should consider whether all of the financial penalties can be proportionately reduced. Separate financial penalties should then be passed.*
- *Where separate financial penalties are passed, the Council must be careful to ensure that there is no 'double-counting'."*

In determining the Totality Principle the relevant officer will present a report to an independent panel consisting of the Regulatory Services Manager, Legal Services Team Leader or their appointed deputy and a co-opted officer, which would normally be a Principal Environmental Health Officer.

This panel will review the officer report and determine the overall civil penalty imposed. That decision will be formally recorded.

### **Fair and Proportionate**

**The civil penalty should be fair and proportionate, but in all circumstances should act as a deterrent and remove any gain as a result of the offence.**

The statutory guidance states that a guiding principle of civil penalties is that they should remove any financial benefit that the landlord may have obtained as a result of committing the offence. This means that the amount of the civil penalty imposed must never be less than what it would have cost the landlord to comply with the legislation in the first place.

When determining any gain as a result of the offence the Council will take into account the following issues:

- Cost of the works required to comply with the legislation
- Any licence fees avoided
- Rent for the full period of the non-compliance
- Any other factors resulting in a financial benefit – potential cost of re-housing any tenants by the Council
- As a deterrent, the cost to the Council of the investigation.

When determining whether a penalty is fair and proportionate then the following issues will be considered:

On appeal to the initial notice the person may advise that the impact

- of the financial penalty on the offender's ability to comply with the law
- of the penalty on third party – employment of staff, customers etc.
- on the offender – is it proportionate to their means – loss of home etc.

In setting the financial penalty, the council may conclude that the offender is able to pay any financial penalty imposed unless the offender has supplied any financial information to the contrary. Any relevant financial data disclosed to the Council will enable the assessment and determination of what they can reasonably pay.

However, it must be remembered that as property owners if they claim the inability to pay and show their income is small then there can always be consideration to the property/properties they own which can be sold or refinanced.

**Policy Review**

**This policy will be reviewed and revised, as appropriate, in line with future new powers, relevant professional guidance and any statutory requirements.**

**Issue date:**