



17 June 2021

CABINET – 28 JUNE 2021

A meeting of Cabinet will be held at 5.30pm on Monday 28 June 2021 in the Council Chamber at the Town Hall, Rugby.

Members of the public may also view the meeting via the livestream available on the Council's website.

Mannie Ketley
Executive Director

A G E N D A PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the meeting held on 7 June 2021.

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 22 June 2021).

Growth and Investment Portfolio

- 5. Adoption of the Housing Needs Supplementary Planning Document 2021.
- 6. Adoption of Air Quality Supplementary Planning Document.
- 7. Request for finance - Updating Community Infrastructure Levy Viability Study.

Leisure and Wellbeing Portfolio

- 8. Adoption of Tree Policy.

Finance, Performance, Legal and Governance Portfolio

- 9. Finance and Performance Monitoring 2020/21 – Year End (report to follow).
- 10. Calendar of Meetings 2021/22 – Council meetings.

Communities, Homes, Digital and Communications Portfolio

Nothing to report to this meeting.

Regulation and Safety Portfolio

- 11. The introduction of new drone technology to improve council services

Change and Transformation Portfolio

Nothing to report to this meeting.

Operations and Traded Services Portfolio

Nothing to report to this meeting.

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

- 12. Members' Allowances 2020/21.
- 13. Treasury Management Annual Report 2020/21
- 14. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972.

To consider the following resolution:

“under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of information defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act.”

PART 2 – EXEMPT INFORMATION

Growth and Investment Portfolio

Nothing to report to this meeting.

Leisure and Wellbeing Portfolio

Nothing to report to this meeting

Finance, Performance, Legal and Governance Portfolio

Nothing to report to this meeting.

Communities, Homes, Digital and Communications Portfolio

Nothing to report to this meeting.

Regulation and Safety Portfolio

Nothing to report to this meeting.

Change and Transformation Portfolio

1. Rounds Gardens Redevelopment: Demolition Budget, Compulsory Purchase Order and Land Acquisition (report to follow).
2. Getting Building Fund (GBF) - Rugby Borough Council (RBC) Shareholders Agreement report to follow).
3. Holding Company and Joint Venture Company update and request for funding.

Operations and Traded Services Portfolio

Nothing to report to this meeting.

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.

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

The Reports of Officers are attached.

Membership of Cabinet:

Councillors Lowe (Chairman), Mrs Crane, Miss Lawrence, 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). Any specific queries concerning reports should be directed to the listed contact officer.

AGENDA MANAGEMENT SHEET

Report Title: Adoption of the Housing Needs Supplementary Planning Document 2021

Name of Committee: Cabinet

Date of Meeting: 28 June 2021

Report Director: Chief Officer - Growth and Investment

Portfolio: Growth and Investment

Ward Relevance: Borough-wide

Prior Consultation: Public consultation held on the draft SPD for 6 weeks between 10th November and 22nd December 2020. Consultation conducted in accordance with Regulations 11 to 16 of the Town and Country Planning Regulations 2012, National Planning Policy Framework 2019 and the Council's Statement of Community Involvement. Internal consultation and consideration by Planning Services Working prior to Cabinet approval of consultation

Contact Officer: Ruari McKee- Senior Planning Officer in Development Strategy 01788 533828

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: Yes

Corporate Priorities: This report relates to the following priority(ies):
 Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C)
 Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E)
 Residents live healthy, independent lives, with the most vulnerable protected. (HC)
 Rugby Borough Council is a responsible, effective and efficient organisation. (O)
[Corporate Strategy 2021-2024](#)

This report does not specifically relate to any Council priorities but

Summary: It is recommended that the Housing Needs SPD 2021 is adopted to fulfil the requirements of the Rugby Borough Local Plan and for it to become a material consideration in the determination of planning applications.

Financial Implications: No comments received

Risk Management Implications: No comments received

Environmental Implications: No comments received

Legal Implications: The Housing Needs SPD is specifically referred to in the supporting text of Policy H2 of the Rugby Borough Council Local Plan 2011-2031 (Adopted June 2019).

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 (LDS) and the Council's Statement of Community Involvement (SCI) as amended by the coronavirus regulations.

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 further consultation, it is recommended that the Council adopt the Housing Needs SPD as modified to take account of representations received.

As per the SCI the Housing Needs SPD must be adopted by a resolution of full Council.

Equality and Diversity: An Equality Impact Assessment on the Housing Needs SPD was undertaken prior to consultation and has been reviewed and updated. The Equality Impact Assessment is provided as Appendix 3 to this report.

Corporate Equality and Diversity Advisor: No comments/amendments

Options:

Option 1- Cabinet recommends that Council adopt the Housing Needs SPD 2021 as set out in this report

Option 2- Cabinet recommends that the content of the Housing Needs SPD 2021 be reconsidered

Option 3- Cabinet recommends that the Housing Needs SPD is not adopted and take no further action towards the adoption of the Housing Needs SPD.

Option 2 would result in the delay of the adoption of the measures set out in the SPD.

Option 3 would result in the Council not fulfilling the Local Plan requirement to have an up-to-date Housing Needs SPD.

Recommendation:

IT BE RECOMMENDED TO COUNCIL THAT -

- (1) the Housing Needs Supplementary Planning Document (SPD) 2021 be adopted;
- (2) the Housing Needs SPD be published on the Council's website with the adoption statement made available and be sent to any person who has asked to be notified of the adoption of the SPD; and
- (3) delegated authority be given to the Chief Officer for Growth and Investment to make minor grammatical and presentational amendments as necessary to the Housing Needs SPD either prior to or following adoption, and prior to it being published.

Reasons for Recommendation:

This will allow the document to progress toward adoption stage. Once adopted the document will be meeting the Local Plan objective to have a Housing Needs SPD and assist in delivering housing, in particular affordable housing.

Cabinet - 28 June 2021

Adoption of the Housing Needs SPD 2021

Public Report of the Chief Officer - Growth and Investment

Recommendation:

IT BE RECOMMENDED TO COUNCIL THAT -

- (1) the Housing Needs Supplementary Planning Document (SPD) 2021 be adopted ;
- (2) the Housing Needs SPD be published on the Council's website with the adoption statement made available and be sent to any person who has asked to be notified of the adoption of the SPD; and
- (3) delegated authority be given to the Chief Officer for Growth and Investment to make minor grammatical and presentational amendments as necessary to the Housing Needs SPD either prior to or following adoption, and prior to it being published.

1. INTRODUCTION

- 1.1 Supplementary planning documents (SPDs) provide further detailed guidance on Local Plan policy, including 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 Statement of Community Involvement (SCI). The SCI 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. The latest SCI was adopted in 2019. During the Coronavirus (COVID-19) pandemic the Government introduced new temporary Planning Practice Guidance (PPG) which enabled local planning authorities to review and update any policies in their SCI which they could not comply with due to the guidance to help combat the spread of Coronavirus. On 25th August 2020 Council agreed Supplementary Guidance to

the SCI in accordance with the temporary PPG. This Supplementary Guidance to the SCI applied to the draft Housing Need SPD consultation in November 2020.

1.4 Before an SPD is adopted, the Council must prepare a consultation statement setting out:

- a) The persons the local planning authority consulted when preparing the SPD;
- b) A summary of the main issues raised by those persons; and
- c) How those issues have been addressed in the SPD.

This statement, together with a copy of the SPD, must be made available to the public to make representations on for a period of no less than 4 weeks.

1.5 Any person can make representations about an SPD. The representations must be received by the Council by the date it specifies.

1.6 These consultation requirements are set out in Regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.

1.7 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.

1.8 It is important to note that as per the SCI, an SPD must be adopted by resolution of full Council.

1.9 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.

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

2. PURPOSE OF REPORT

- 2.1 Following approval by Cabinet on the 9th November 2020, the draft Housing Needs SPD Supplementary Planning Document (SPD) was made available for a 6 week public consultation between 10th November 2020 and 22nd December 2020.
- 2.2 A final version of the SPD has now been prepared and is included at Appendix 1. The SPD has been subject to an Equality Impact Assessment (EqIA) at Appendix 3. An Adoption Statement to be issued in the event that the SPD is adopted after Council on 20th July is included at Appendix 2. The amendments made to the draft SPD as a result of the consultation are included in the Adoption Statement at Appendix 2a. The SPD has also been subject to a Strategic Environmental Assessment (SEA) Screening Report, included at Appendix 4.
- 2.3 This report recommends that the Housing Needs SPD 2021 is forwarded to the 20th July 2021 meeting of the Full Council to be adopted.

3. BACKGROUND

- 3.1 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 Council is updating all of its Supplementary Planning Documents (SPDs) to reflect the adoption of the Local Plan. This SPD is proposed to replace the Rugby Borough Council Housing Needs SPD 2012.
- 3.2 There are two main significant changes between the Housing Needs SPD 2012 and this 2021 version. Firstly, the Local Plan has abolished the general requirement for ‘local needs surveys’ introduced in the 2011 Core Strategy. It should be noted, however, that local housing needs surveys may be needed under certain circumstances such as demonstrating housing need for rural exception sites. An up to date document on housing needs has been produced by IcenI entitled ‘The Rugby Local Housing Needs Assessment’ which could be used as background information for housing need (whilst not being part of the Local Plan evidence base). Secondly, key elements of the 2012 Housing Needs SPD relating to affordable housing negotiations have now been incorporated into the Local Plan. The revised Housing Needs SPD is therefore significantly different to the 2012 Housing Needs SPD it replaces, with a substantial amount of new information. This SPD will be used in conjunction with the forthcoming Sustainable Design and Construction SPD to inform planning decisions.
- 3.3 As outlined in the Cabinet Report of 9th November 2020, the purpose of the revised Housing Needs SPD is to provide details not included in the Local Plan to assist the implementation of Policies H1-H6. Five key new areas of detail this SPD covers are mechanisms for delivering affordable housing, identifying design best practice in the delivery of affordable housing, elaborating on criteria for rural exception sites, providing details such as design guidance on specialist housing and outlining the Council’s approach to Self-build and custom

housebuilding. The Housing Needs SPD will be used in conjunction with the Air Quality SPD and Sustainable Design and Construction SPD.

4. HOUSING NEEDS SUPPLEMENTARY PLANNING DOCUMENT CONSULTATION

- 4.1 Following the consultation, representations received were carefully considered and amendments made to the Housing Needs SPD 2021 were made. An Adoption Statement is appended to this report, at Appendix 2a. This summarises the issues raised during the consultation process and the actions taken in response.
- 4.2 There were four key issues raised: the scope of the SPD, affordable housing negotiations, clustering of affordable housing and Self-build and custom housebuilding. Other issues raised included updating the document to include new government guidance.
- 4.3 Comment was made that the scope of the SPD should be more focused. It is acknowledged that this SPD is substantially different from the 2012 Housing Needs SPD and that the 2021 SPD is a broader document. This is both to reflect changes to the Planning system since 2012 and also that the majority of the content of the Housing Needs SPD 2012 has now been included in the Local Plan. This issue was considered prior to drafting the document and it is still considered that the content and title of the Housing Needs SPD is appropriate as the alternative would be to produce multiple documents, which would be less accessible.
- 4.4 Developers made comment on aspects of affordable housing negotiation, such as the rounding up of affordable housing requirements, the methodology for calculating off-site affordable housing and the inclusion of viability review. The purpose of text on these matters is to seek to assist the delivery of affordable housing. These comments have been carefully considered and changes made.
- 4.5 Developers also made comment on text relating to 'clusters' of affordable housing. The text has been amended to make clear that the example given in the document of no more than 10 affordable homes clustered together is an example, not a defined limit. It is considered important to provide clear examples to ensure the planning system is accessible to everyone and especially those not familiar with it.
- 4.6 Appendix A to the Adoption Statement (Appendix 2 to this report) sets out the modifications made to the SPD as a result of the representations received. It also sets out details of the consultation. The Self-build and custom housebuilding section has been updated in response to Member requests. This chapter has been rearranged with a section clearly defining the Council's approach to Self-build and custom housebuilding and now includes information to 'signpost' community groups as to how they can get involved in the process.

4.7 **Conclusion**

- 4.8 This SPD has been subject to public consultation in accordance with Regulations 11-16 of the Town and Country Planning Regulations 2012, NPPF 2019 and the Council's Statement of Community Involvement (Sept 2020) and has been carried forward with representations received and considered. A final version of the SPD has now been prepared and is the subject of this report.
- 4.9 It is recommended that the Housing Needs SPD 2021 is recommended for adoption in order for it to become a material consideration in the determination of forthcoming planning applications. The Housing Needs SPD would be in force immediately after any decision by Council is made to adopt. Cabinet is requested to agree that the Housing Needs SPD is forwarded to Council for adoption.

Name of Meeting: Cabinet
Date of Meeting: 28 June 2021
Subject Matter: Adoption of the Housing Needs SPD 2021
Originating Department: Growth and Investment

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

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink
1	Draft Housing Needs SPD 2021
2	Adoption Statement
2a	Adoption Statement- Modifications Made
3	Equality Impact Assessment
4	Strategic Environmental Impact Assessment (SEA)
	https://www.rugby.gov.uk/info/20004/planning_strategy/488/draft_housing_needs_supplementary_planning_document (page to be updated post-adoption)

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

Housing Needs

Supplementary Planning Document

June 2021

Contents

1. What is an SPD?.....	P03
2. Introduction.....	P05
3. Delivery.....	P09
4. Design.....	P11
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6. Specialist Housing.....	P19
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Chapter 1. What is an SPD?

Purpose of this SPD

1.1 Supplementary Planning Documents (SPD) are produced by Local Planning Authorities (LPAs) to provide additional guidance to support the implementation of Local Plan policies. SPDs can provide details regarding environmental, social, design and economic objectives which are relevant to the development and use of land as indicated in a Local Plan. SPDs are material considerations in planning decisions but are not part of the development plan.

1.2 The requirements for producing SPDs are set out in Regulations 11 to 16 of the Town and Country Planning Regulations (Local Planning) (England) 2012 (TCPA Regulations) and the National Planning Policy Framework (February 2019). This SPD has been prepared in accordance with these regulations and the Council's Statement of Community Involvement (2019) (SCI).

1.3 SPDs cannot introduce new policy. There have also been further updates to national Planning Practice Guidance in terms of the scope of what can be included within SPDs. Specifically, there has been further guidance which states:

“It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination.”¹

The scope of this document has been carefully considered to reflect that guidance.

Objectives of this SPD

1.4 This SPD seeks to:

- Assist the implementation of Rugby Borough Local Plan Policies H1-H6
- Provide detail to assist planning decisions to ensure the housing delivery targets in the Local Plan are met
- Complement other SPDs such as the Sustainable Design and Construction SPD and Planning Obligations SPD
- Provide further details on affordable housing delivery mechanisms such as off-site contributions
- Identify principles of best practice in the design of affordable housing
- Detail the circumstances under which rural exception sites may be acceptable
- Provide further details on specialist housing and matters such as affordable housing contributions
- Provide clarity on the emerging area of self-build and custom housebuilding

¹ (William Davis Ltd) v Charnwood BC [2017] EWHC 3006

Public consultation

1.5 In accordance with the TCPA Regulations and the Council's SCI, this SPD was subject to a 6 week public consultation. The consultation ran between 10th November 2020 and 22nd December 2020.

1.6 The SCI sets out who the Council will engage with on the preparation of planning documents, how and when they will be engaged. This includes a minimum consultation period of four weeks and sets out the process for adoption of the document. In light of the coronavirus pandemic the Government introduced new temporary Planning Practice Guidance to ensure planning consultations are still able to run effectively and are safe and adhere to Government guidance on social distancing and other measures. On 25th August 2020, in response to the Government's revised guidelines, the Council adopted Supplementary Guidance to the SCI. The consultation was undertaken in accordance with the SCI and the Supplementary Guidance to the SCI.

1.7 The consultation was undertaken in compliance with the Council's privacy statement, which is available to view here:

https://www.rugby.gov.uk/downloads/download/189/statement_of_community_involvement

1.8 Following the close of the consultation, a statement of consultation has been produced. This is available to view here:

*Link to be confirmed post-adoption *

Sustainability Appraisal and Habitats Regulations

1.9 A Sustainability Appraisal (SA) was undertaken for the Rugby Borough Local Plan 2019 and is available to view here:

https://www.rugby.gov.uk/downloads/download/227/sustainability_appraisal

1.10 A Strategic Environmental Assessment (SEA) Screening Opinion and Habitats Regulation Screening were undertaken for this SPD. The SEA Screening report is available to view via the link below:

Link TBC post-adoption

Equalities Impact Assessment

1.11 An Equalities Impact Assessment was undertaken for this SPD. Copies are available to view online here:

*Link TBC post-adoption

Chapter 2: Introduction

National Planning Policy Framework (NPPF)

2.1 National planning policy is set by the National Planning Policy Framework (NPPF). The NPPF places a general presumption in favour of sustainable development, stressing the importance of local development plans. The NPPF is supported by the Planning Practice Guidance (PPG). The NPPF was revised in February 2019. The government also uses Written Ministerial Statements (WMS) to set out policy positions. The current NPPF defines affordable housing as:

“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.”

Interpretation of affordable housing definitions

2.2 ‘Affordable housing’ consists of specific housing products separate from market housing. ‘Affordability’ means how affordable housing is in relation to incomes. This is a key distinction.

Rugby Borough Local Plan 2011-2031

2.3 The Rugby Borough Local Plan 2011-2031 (Local Plan) was adopted in June 2019. The Planning Inspector’s report into the Local Plan can be viewed here:

https://www.rugby.gov.uk/downloads/file/2260/planning_inspectors_report_on_the_rugby_borough_local_plan_2011-2031

Contextual overview of Rugby Borough

2.4 Rugby Borough’s overall population remained steady between 1980-2001 but between 2001-2011 the population increased significantly by 14.8% to around 100,496 (Nomis, 2015). The projected population increase between 2011 and 2031 is expected to be 15.5%, which would bring the population to around 115,236 (Nomis 2015).

2.5 The average household size within the Borough of Rugby is 2.4 persons. Proportionally the number of households has risen faster than the population, which is partly due to over a quarter (28.1%) of Rugby’s households being occupied by a single person.

2.6 Across Warwickshire as a whole, the highest rates of projected population growth are in the groups aged 65 and over. The eldest age group (those aged 85 and over) is projected to increase by over 190% by 2035. Housing provision within Rugby Borough will need to take account of the effects of an ageing population, with a need to focus on the provision of the type of housing to respond to this changing demographic. The NPPF acknowledges this trend, which is a national issue and makes specific requirements on Local Plans to address this problem through the provision of different forms of supported housing.

Strategic Housing Market Assessment (SHMA)

2.7 The Coventry and Warwickshire Joint Strategic Housing Needs Assessment (SHMA) September 2015 identifies that affordability is a challenge within Rugby Borough, as well as the wider Housing Market Area (HMA).

https://www.rugby.gov.uk/downloads/download/189/statement_of_community_involvement

2.8 The SHMA analysed the existing housing stock, supply trends and the housing market in Rugby Borough. This determined that Rugby Borough’s housing offer is fairly balanced in term of housing types and sizes. When considered against Objectively

Assessed Need, the SHMA identifies that there should be a focus on two and three bedroom properties.

Local Plan Allocations

2.9 The Local Plan 2019 makes provision for 12,400 additional homes, including 2,800 dwellings to contribute to meeting Coventry's unmet needs. The Local Plan expects an annualised delivery rate of 663 dwellings per annum. The Local Plan has 12 allocations across the Rugby Urban Area and Main Rural Settlements, including 2 allocations previously allocated under the 2011 Core Strategy.

Housing Needs SPD 2012

2.11 The Council is updating all of its Supplementary Planning Documents (SPDs) to reflect the adoption of the Local Plan. This SPD replaces the Council's Housing Needs SPD 2012.

2.12 There are two significant changes between the Housing Needs SPD 2012 and this version.

Firstly, the Local Plan has abolished the general requirement for 'local needs surveys' introduced in the previous 2011 Core Strategy. Please note, however, that local housing needs surveys may be needed under certain circumstances such as demonstrating housing need for rural exception sites.

Secondly, key elements of the Housing Needs SPD 2012 relating to affordable housing negotiations have now been incorporated into the Local Plan. The purpose of this SPD is, therefore, to provide details not included in the Local Plan to assist the implementation of policy and provide additional guidance on specialist housing and self and custom housebuilding.

Local Plan Policy Summaries

2.13 **Policy H1 (informing housing mix)** guides the housing mix for market housing proposals and is informed by the Strategic Housing Market Assessment (SHMA). Policy H1 outlines the circumstances whereby the Council will consider an alternative mix. Sustainable Urban Extensions will be expected to provide opportunities for self-build and custom build as part of the mix and type of development.

Policy H2 (affordable housing provision) provides details on the mix and type of homes expected for affordable housing delivery, including on different types of sites. Policy H2 outlines viability evidence that would be required to attempt to justify reduced levels of affordable housing. The policy requires appropriate integration of affordable and market housing to create mixed communities.

Policy H3 (housing for rural businesses) outlines criteria for identifying need for agricultural workers' dwellings, appropriate sizes for proposed dwellings and conditions attached to any planning approval.

Policy H4 (rural exception sites) defines the circumstances surrounding need, location and management where planning applications for rural exception sites may be considered.

Policy H5 (replacement dwellings) will not be considered by this SPD as this is considered a matter relating to Development Management practice.

Policy H6 (specialist housing) provides detail on the definitions, appropriate location and delivery of specialist housing, including affordable housing provision.

Chapter 3. Mechanisms for affordable housing delivery

Phasing the delivery of affordable homes

3.1 Local Plan Para 5.21 states: "...The methodology of the SHMA will be repeated at regular intervals in order to test the continuing appropriateness of Policy H2 and the Housing Needs SPD. Where variance of the detail included within that SPD is found to be necessary, an updated Housing Needs SPD will be produced in order to ensure that the Council's approach to delivering affordable housing remains appropriate throughout the plan period."

3.2 Section 106 agreements or conditions may include reference to the delivery of affordable housing in phases to ensure mixed, socially cohesive communities from the start of a larger development. The layout of such schemes should enable this phasing so that affordable and market dwellings can be delivered at the same time. For example:

- No more than 50% of open market dwellings should be occupied prior to completion of 50% of the affordable homes
- No more than 75% of open market dwellings should be occupied prior to completion of 100% of the affordable homes

3.3 It is recommended that developers engage with Registered Providers to secure agreement on the delivery of suitable infrastructure provision prior to the occupation of dwellings.

3.4 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, where a scheme fails to provide policy compliant affordable housing, a financial viability assessment is required to justify the lower provision. Any viability reviews required in larger schemes are to be defined from the outset in the Section 106 agreement or dealt with by subsequent deeds of variation.

3.5 Where a development comes forward that does not provide policy compliant affordable housing, viability reviews will be required during the course of the development to ensure that any uplift in the viability of a scheme is shared by the Council. The viability review requirements will be set out in the S106 agreement associated with the development. Viability reviews could include:

- Early stage reviews where there is a time delay of 18 months or more from planning permission being granted and development being commenced.
- Phased reviews for larger developments which are brought forward over a long period of time.
- Late stage reviews, where the development has predominantly been built out.

Rounding up affordable housing provision

3.6 Affordable housing provision can result in a fraction of a unit remaining. In respect of that fraction of a unit, the Council will round the affordable housing provision up to the provision of the next whole unit. Alternatively, the Council could seek an off-site contribution in relation to that fraction of a unit. Where sought, this would be

calculated as a percentage. As an example, 0.6 of a unit would be eligible to pay 60% of the off-site contribution for a single unit.

Calculating off-site affordable housing contributions

3.7 Policy H2 identifies that: “Affordable housing should be provided on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities.”

3.8 The Local Plan defines the formula for calculating off site provision. To determine the inputs into this calculation, the following guidance is offered:

- **Total number of affordable dwellings** - Calculated with reference to the requirements of Policy H2.
- **Build cost of the required dwellings** - Build costs will be determined in line with the contents of the Rugby Borough Council Local Plan Viability Assessment or evidence provided on updated costs. The build costs include proposed dwellings and the wider site e.g. landscaping costs.
- **Land cost** - The amount an applicant would have to pay a landowner/developer to develop their affordable dwellings on another site i.e. off site. This will be based on the most up-to-date market information.
- **The amount equivalent to that which would be payable by a registered provider** - This information can be sought directly through discussions with registered providers. Where this is not possible, an estimated cost based on available evidence may be provided.

Chapter 4. Design

Purpose

4.1 The purpose of this chapter is give detail on best practice in the design of affordable housing. This is to help improve design standards.

National Policy

4.2 NPPF Chapter 12 - Achieving well-designed places - concerns design. Paragraph 124 states that:

“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this...”.

4.3 National design guidance provided by ‘Building for Life 12’, as referenced in the NPPF, has been replaced by ‘Building for a Healthy Life 12 (B4L12)’. It is advised that applicants use this guidance to help inform scheme layout and design.

Rugby Borough Local Plan Policy H2

4.4 Local Plan Policy H2 states:

“Development should provide for the appropriate integration of affordable and market housing in order to achieve an inclusive and mixed community. Affordable housing should be provided on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities.”

4.5 Policy H2 should be read alongside Local Plan design Policy SDC1.

4.6 Consultation with Registered Providers (RP’s) on their design requirements is recommended at the earliest possible opportunity to avoid any future delays in RP’s taking ownership of affordable homes. It is recommended that affordable properties be designed to reduce ongoing maintenance requirements. Measures to consider may include keeping communal areas to a minimum and using low maintenance landscaping.

4.7 The Council offers a pre-application advice service, of which a fee is payable for major schemes. This will help inform discussions on matters such as appropriate positioning of parking, bin storage and landscaping for affordable homes:

https://www.rugby.gov.uk/info/20084/planning_control/451/pre-application_planning_advice

4.8 Advice on principles and standards to reduce crime and anti-social behaviour is available online from Secured by Design: www.securedbydesign.com

Integrating affordable and market housing

4.9 Residents' of affordable homes should not be disadvantaged by poor design. Poorly designed dwellings that are too small risk overcrowding, which could be damaging to residents' health and quality of life. Inclusive, mixed communities can be achieved by following principles of 'tenure blind' development:

Clustering

4.10 Building for a Healthy Life 12 (B4L12) recommends providing "Affordable homes that are distributed across a development."

4.11 Affordable housing should not be clustered together within one location within a site, unless the site is only looking to provide affordable housing. Affordable housing should be appropriately distributed throughout a site. Access arrangements should be shared between affordable and market homes. Affordable homes should not have segregated entrances.

4.12 Affordable homes should not be grouped together in disproportionate numbers. This is informed by a development's size, densities and site constraints/opportunities. A typical example may be that a site may would not be expected to have affordable homes in groups of more than 5-10 dwellings together. This example is for illustrative purposes only and is not a specific requirement. The exception to this principle would be when a site comes forward providing only affordable homes. Engaging development management officers through the pre-application process will inform the layout for individual sites. Engagement with housing officers who deal with affordable housing schemes to inform the design process is also recommended.

Scale

4.13 Building for a Healthy Life 12 (B4L12) recommends:

- Designing homes and streets where it is difficult to determine the tenure of properties through architectural, landscape or other differences.
- Access to some outdoor space suitable for drying clothes for apartments and maisonettes. Consider providing apartments and maisonettes with some private outdoor amenity space such as semi-private garden spaces for ground floor homes; balconies and terraces for homes above ground floor.

4.14 Individual block sizes will be determined by a development's site characteristics and the prevailing design character. Affordable homes that are at a significantly higher density than the equivalent market housing is unlikely to be acceptable. Equally, affordable housing that is significantly smaller than the equivalent market housing would be considered to be out of scale with a wider development.

4.15 Private amenity space for affordable housing should provide reasonable outdoor space in proportion with comparable market dwellings on site. Access arrangements should be shared between affordable and market homes. Affordable

homes should not have segregated entrances. Engagement with development management officers can assist in guiding appropriate amenity space size.

Materials

4.16 The bricks, tiles and windows/doors between affordable and market housing should be indistinguishable.

Landscape

4.17 Landscaping for affordable dwellings should be appropriate for the context of a site. Both hard and soft landscaping should be broadly consistent between market and affordable housing so there is no distinguishable difference in appearance. Communal areas should be designed to the highest standard.

4.18 Maintenance considerations of communal space fall outside of the scope of planning, although discussion with the Strategic Housing Team and Registered Providers on maintenance requirements is advised to achieve the best scheme possible.

Gypsy and Traveller Sites

4.19 Policy DS2 identifies criteria for achieving high quality design in Gypsy and Traveller sites. The Council will provide further details on this criteria and if required allocate land to meet need in a separate Gypsy and Traveller Site Allocations DPD. This is to meet the requirements for gypsy, travellers and travelling showpeople's accommodation as identified by the Gypsy and Traveller Accommodation Assessment (GTAA) 2017.

Further Design Guidance

4.20 Design guidance evolves over time. It is the Council's expectation that all development in Rugby Borough is of the highest quality. The Council would expect development proposals to be in broad conformity with national best practice as, even where the Council has not adopted a particular standard, there is no justification for developments' proposals that fall below national best practice in Rugby Borough.

4.21 Below is the current list of design guidance at the time of writing. Please note that this is not exhaustive and will be subject to change over time.

National Design Guidance

4.23 National Design Guidance was published in October 2019. The guidance states that:

“The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.”

4.24 The guide is available to view below:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843468/National_Design_Guide.pdf

4.25 Please note these guidelines may be subject to change over time. The Council expects planning applications to adhere to any national statutory design guidance and would advise that proposed developments meet or exceed non-statutory design guidance.

National Space Standards

4.26 Poorly designed dwellings that are too small risk overcrowding, which could be damaging to occupants' health and quality of life. The Council has not adopted National Space Standards. To adopt the standards in the future, the Council would need to develop the appropriate supporting evidence base, including Local Plan viability testing. The size of recently completed dwellings would need to be assessed to determine how many completed dwellings fall below the standards..

4.27 Even without adopted space standards, small room sizes may be considered to constitute poor quality design by development management officers under Policy SDC1. Developers should note that registered providers and organisations such as Homes England may have requirements for new affordable homes to meet National Space Standards. It is advisable for developers to engage with RPs and the Council's Strategic Housing Team prior to submitting a planning application to discuss this.

Climate change

4.28 The Council declared a climate change emergency on 18th July 2019. A cross party working group has been established a series of recommendations to make the Council's activities carbon neutral by 2030. Affordable housing is expected to include measures to create sustainable, carbon neutral dwellings and be in conformity with Local Plan policies concerning climate change, as detailed below:

Policy SDC4:

All new dwellings shall meet the Building Regulations requirement of 110 litres of water/person/day unless it can be demonstrated that it is financially unviable. In meeting the carbon reduction targets set out in the Building Regulations and BREEAM standards the Council will expect development to be designed in accordance with the following energy hierarchy:

- Reduce energy demand through energy efficiency measures; then
- Supply energy through efficient means (i.e. low carbon technologies); then
- Utilise renewable energy generation

Policy SDC6:

Sustainable Drainage Systems (SuDS) are required in all major developments and all development in flood zones 2 and 3.

Chapter 5: Rural Housing

5.1 Policy GP2 of the Local Plan relates to the sustainable hierarchy of settlements within the borough where the urban area of Rugby is at the top of the hierarchy, and therefore the most sustainable, compared with the bottom of the hierarchy which comprises of the countryside and Green Belt. Through this policy dwellings are encouraged to be located within the most sustainable locations. Main Rural Settlements are at the second highest level of the settlement hierarchy, followed by Rural Villages which are comparatively less sustainable. The primary focus of this chapter will be supporting the implementation of rural exception sites as this route would be expected to provide the majority of additional rural affordable housing.

Defining Rural Exception Sites

5.2 A Rural Exception Site provides small scale affordable housing on sites outside of a defined settlement boundary. Rural exception sites are not a mechanism to promote sites for market housing which would not otherwise be developed. A Rural Exception Site is subject to strict criteria about how it can come forward and how it can be managed. Parish Council and community support is important for a Rural Exception Site to come forward.

5.3 A clause in the Section 106 agreement will be sought to seek to retain the affordable housing in perpetuity and any requirements for owners and/or occupiers to have a local connection to the community. Exceptions to this requirement may include where a proposed dwelling is being offered on a shared ownership basis, subject to any other statutory or policy considerations

5.4 Local connection is to be established by any criteria adopted by the Council in its housing policies or local lettings plan.

NPPF

5.5 NPPF Paragraph 77 states:

“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.”

Policy H4

5.6 The development of affordable housing that meets the needs of local people will be permitted as a Rural Exception Site adjacent to defined rural settlement boundaries, where development is normally resisted, if all of the following criteria are met:

- It is clearly demonstrated that there is a local need for affordable housing which outweighs other policy considerations;

- It is demonstrated no suitable alternative sites exist within the defined settlement boundary; and
- Developments do not have an adverse impact on the character and/or appearance of settlements, their setting or the surrounding countryside.

5.7 In all cases arrangements for the management and occupation of dwellings must be made to ensure that all dwellings provided will, 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. The Council will advise applicants as to the nomination rights it requires.

5.8 In some circumstances a small proportion of open market housing may be allowed where it can be shown that the scheme will deliver significant affordable housing and viability is a key constraint.

Local Need

5.9 The starting point for a Rural Exception Site is understanding local need. Where evidence of potential unmet needs emerges from the Neighbourhood Plan process, the Parish Council should engage the Councils Communities and Homes Team who have the latest information on the number of local people on the housing waiting list. If the Communities and Homes Team confirms potential need, the Parish may choose to commission a Local Housing Needs Survey. This will identify the number, tenure and type of affordable housing required. A Registered Provider can also commission a Local Housing Needs Survey.

5.10 It is expected that such surveys should be undertaken every 5 years to remain up to date. A Local Housing Needs questionnaire should be issued to each household in the Parish for completion and return. The analysis of the needs survey should be carried out in confidence by an independent organisation.

5.11 If a need is identified, the Parish Council's role is to take responsibility for exploring options to meet that need. The Parish Council should engage with landowners to identify potential development sites. The Parish Council, together with other key stakeholders such as the Council and local Housing Associations should organise public engagement on the assessment and selection of sites.

Alternative Sites

5.13 Rural exception sites relate to sites which are not allocated in the Local Plan and would not normally gain planning permission. The site selection process for a rural exception site must be clear, use robust methodology and be thorough.

5.14 All reasonable alternative sites within the settlement boundary will have had to have been considered. If this cannot be robustly proven, then a rural exception site application may fail. A site selection using a comparably robust methodology to the Local Plan Strategic Housing Land Availability Assessment (SHLAA) would be expected. The SHLAA can be viewed below:

https://www.rugby.gov.uk/downloads/download/30/strategic_housing_land_availability_assessment

Spatial relationship to existing settlements

5.15 A rural exception site should be compliant with all the policies in the Local Plan. The potential landscape impact of proposals is of critical importance given that Rural Exception Sites would be located on the edge of a settlement.

5.16 Policy NE3 seeks to ensure that significant landscape features are protected and enhanced and that landscape design is a key component in the design of new development. Planning applications will be required to submit a landscape analysis and management plan in appropriate cases.

Delivery and Management

5.17 Rural Exception Sites may be owned and managed by a (RP). Any Planning Application submitted should be in partnership with the RP.

5.18 Where alternative responsible bodies such as a Community Land Trust (CLT) are proposed, details of management arrangements and contingencies should be provided to ensure that the housing remains affordable in perpetuity. This should be similar to where the site is being brought forward by an RP.

5.19 The mechanism for allocating the dwellings will be specified in the S106 agreement. This will prioritise housing applicants with a local connection in the first instance and will be agreed between the Local Authority and the Parish Council. The S106 agreement or conditions attached to any planning permission granted, will stipulate that the housing units remain affordable in perpetuity.

Cross-subsidy

5.20 The inclusion of market dwellings would not be supported unless it can be proven that an element of market housing is needed to make delivering affordable housing financially viable. Cross-subsidy can only be used to support the delivery of affordable housing, not allow sites which otherwise would not be developed to come forward. A detailed and transparent viability assessment would be required to be submitted in support of any such planning application. For mixed applications, affordable housing units should comprise the vast majority of units to be considered to be a rural exception site.

5.21 If a cross-subsidy scheme is proposed, robust evidence to justify that scheme is required. This should demonstrate that a number of alternative site options were considered which omitted cross-subsidy options. The reasons why these could not be pursued should be demonstrated. If the evidence cannot justify the need for cross-subsidy, it cannot come forward. The need for the market housing in terms of number and type should be carefully evidenced through the Local Needs Survey. Any evidence provided may be subject to independent assessment (e.g. by the District Valuer Service or equivalent).

Self-build and Custom Housebuilding on Rural Exception Sites

5.22 Where the need for cross-subsidy can be demonstrated, the potential to bring forward Self-build and custom housebuilding plots should be considered. There will

still be a need to establish that a household has a local connection to the Parish where the plot is proposed.

5.23 Discounted Self-build and custom housebuilding plots for shared ownership properties may be able to come forward on Rural Exception Sites. Once completed, restrictions would ensure the homes remain affordable in perpetuity. Local connection and affordability criteria would apply.

Entry Level Sites

5.21 NPPF Paragraph 71 states:

“Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area. These sites should be on land which is not already allocated for housing and should:

a) comprise entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and

b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.”

Chapter 6: Specialist Housing

Defining specialist housing

6.1 Specialist housing is purpose-built housing catering to the needs of a group with specific housing needs, such as older people and people with disabilities. Housing requirements for older people may share similar characteristics as housing for people with disabilities. The same guidance may also be applicable to groups with a range of other needs, such as younger people.

National Policy

6.2 Chapter 5 of the NPPF, 'delivering a sufficient supply of homes' outlines the Government objective of boosting the supply of homes, this includes ensuring the needs of groups with specific housing requirements are addressed. Other relevant references are:

NPPF Paragraph 59: "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

NPPF Paragraph 61: "...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)."

NPPF Paragraph 64: "Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development: a) provides solely for Build to Rent homes; b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students); c) is proposed to be developed by people who wish to build or commission their own homes; or d) is exclusively for affordable housing, an entry-level exception site or a rural exception site."

6.3 With respect to older people and people with disabilities, these groups are defined in the NPPF in the following way:

Older People: "People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs".

People with disabilities: “People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.”

Local Policy

6.4 The following policy relates to specialist housing: Policy H6: Specialist Housing

“The Council will encourage the provision of housing to maximise the independence and choice of older people and those members of the community with specific housing needs.

When assessing the suitability of sites and/or proposals for the development of specialist housing such as, but not restricted to, residential care homes, extra care housing and continuing care retirement communities, the Council will have regard to the following:

- The need for the accommodation proposed, whereby the development contributes towards specialist housing need as identified within the Strategic Housing Market Assessment (SHMA); and
- The ability of future residents to access essential services, including public transport, shops and appropriate health care facilities.”

Specialist Housing is to be delivered through the development strategy and windfall sites.”

Types of Specialist Housing

6.5 The Planning Practice Guidance identifies the different types of specialist housing for older people:

Age-restricted general market housing: This type of housing is generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens, but does not include support or care services.

Retirement living or sheltered housing: This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently. This can include 24 hour on-site assistance (alarm) and a warden or house manager.

Extra care housing or housing-with-care: This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.

Residential care homes and nursing homes: These have individual rooms within a residential building and provide a high level of care meeting all activities of daily living.

They do not usually include support services for independent living. This type of housing can also include dementia care homes.

Strategic Housing Market Assessment (SHMA)

6.6 The SHMA states: “The data shows that the HMA is expected to see a substantial increase in the older person population with the total number of people aged 55 and over expected to increase by 35% over just 20 years. A particularly high increase is expected in Rugby with a lower figure being seen in Coventry. For Coventry, this is mainly linked to the younger population age profile in the City and the fact that migration patterns tend to focus on younger people. In the case of Rugby the findings are, to some degree, related to the higher overall population growth projected for the area. For all areas we are also expected to see significant population growth in the oldest age groups with the population aged 85 and over expected to increase by 111% over the next 20-years.” (SHMA, 2014, P.163).

6.7 It goes on to say: “Given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options moving forward. Such housing can broadly be split into three categories; sheltered, extra-care and residential care. Over the past few years there has been a move away from providing sheltered and residential care housing towards extra-care housing (ECH) and we would consider that the majority of additional specialist housing moving forward is likely to be of ECH.” (SHMA, p168)

Location

6.8 Accessibility is a key issue when considering schemes for specialised housing. Residents of specialised housing are more likely to have health problems that limit their mobility. Access to public transport should be considered in terms of both proximity and accessibility.

6.9 Town Centres and other accessible areas with good public transport may provide good locations for specialist housing to help avoid social isolation and maintain contact with family and friends.

Specialist Housing and Affordable housing

6.10 Reading the Local Plan as a whole, and in particular policies H2 (Affordable housing provision) and Policy H6 (Specialist housing) specialist housing developments can be required to provide affordable housing.

6.11 Policy H2 states that “Affordable housing should be provided on all sites of at least 0.36 hectares in size or capable of accommodating 11 (net) dwelling units or more (including conversions and subdivisions).

6.12 It is recognised that residential care/nursing homes aren’t usually considered to be dwellings. However, other types of specialist housing may contain units that are sufficiently self-contained as to be considered dwellings. Planning officers will determine whether the residential units being provided are capable of being considered as dwellings on a case by case basis.

6.13 Where a proposed development would be considered to contribute to the housing target contained within the Local Plan through the provision of dwellings then that development would be expected to comply with affordable housing policies.

6.14 Where compliance with affordable housing policies is required, it may be appropriate for this to be secured by way of an affordable housing contribution, owing to the challenges in enabling a RP to operate affordable housing within such a wider specialist housing scheme. Consultation with the Strategic Housing team is recommended to understand demand and RP requirements.

6.15 Specialist Housing is to be maintained as such in perpetuity through the use of planning conditions or S106 agreements.

Design considerations for specialist housing

6.16 RTPi Practice Advice includes key principles planners should consider when assessing proposals for specialist housing for residents who may have dementia. This guidance contains general principles which help inform good design for other groups with specialist housing needs.

<https://www.rtpi.org.uk/practice/2017/august/dementia-and-town-planning/>

Urban Design

6.17 Good urban design is essential for improving the ability of people living with dementia to live well:

- Familiar environment - functions of places and buildings are obvious, any changes are small scale and incremental;
- Legible environment - a hierarchy of street types, which are short and fairly narrow. Clear signs at decision points;
- Distinctive environment - a variety of landmarks, with architectural features in a variety of styles and materials. There is a variety of practical features, e.g. trees and street furniture;
- Accessible environment - land uses are mixed with shops and services within a 5-10 minute walk from housing. Entrances to places are obvious and easy to use and conform to disabled access regulations;
- Comfortable environment - open space is well defined with toilets, seating, shelter and good lighting. Background and traffic noise should be minimised through planting and fencing. Street clutter is minimal to not impede walking or distract attention;
- Safe environment - footpaths are wide, flat and non-slip, development is orientated to avoid creating dark shadows or bright glare.

Housing Design

6.18 Whilst the internal layout of buildings is usually beyond the scope of the role of planners, it is still valuable to be aware of the key principles of good design, which include:

- Safe environment – avoid trip hazards, provide handrails and good lighting;
- Visual clues – clear signage, sightlines and routes around the building; clearly defined rooms – so the activities that take place there can be easily understood;
 - Interior design – avoid reflective surfaces and confusing patterns. Use age and culturally appropriate designs;
- Noise – reduce noise through location of activities and soundproofing. Provide quiet areas as people with dementia can be hyper-sensitive to noise;
- Natural light or stronger artificial light – many people with dementia have visual impairment or problems interpreting what they see;
- Outside space – access to safe outside space, with good views from inside the building as daily exposure to daylight improves health.

Other Guidance

6.19 Building regulations are not a material consideration in a planning application. It is however advised to be aware of the below building regulations relevant to specialist housing:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/540330/BR_PDF_AD_M1_2015_with_2016_amendments_V3.pdf

Chapter 7: Self-build and custom housebuilding

7.1 The purpose of this guidance is to help support planning decisions for self-build and custom housebuilding proposals. The Council recognises the challenge in finding land suitable for self-build and custom housebuilding and will work with interested parties to help overcome this challenge.

National Policy

7.2 The primary legislation concerning self-build and custom housebuilding is the Self-Build and Custom housebuilding Act 2015, available to view below:

<http://www.legislation.gov.uk/ukpga/2015/17/contents/enacted>

Defining self-build and custom housebuilding

7.3 Section 1 of the Self-build and Custom Housebuilding Act 2015 defines Self-Build and Custom Housebuilding as:

“the building or completion by individuals, association of individuals, or persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.”

7.4 Self-build involves direct involvement in organising and constructing a home. Custom build involves the commissioning of a specialist developer to deliver a home. Homes bought without the owner providing input into the design and layout are not considered to meet the definition of self-build or custom build.

Types of Self Build and Custom Housebuilding

7.5 Individual self or custom build: An individual who buys a plot of land to develop and leads on building a home, although may employ the assistance of builders, architects etc.

7.6 Group self or custom build: A group of individuals design and develop a scheme they live in. Again, they may employ the assistance of builders, architects etc.

7.7 Developer-led custom build: A developer who provides plots to individuals within a larger scheme. The individual has significant input into the design and finish of the home in terms of internal layout and dimensions, window design and external materials.

7.8 Community-led custom build: Community led development, usually in collaboration with a developer.

Self-Build and Custom Housebuilding Register

7.9 The Self-build and Custom Housebuilding Act 2015 requires the Council to keep and maintain a register of individuals, and associations of individuals, who are seeking to acquire self-build serviced plots of land in the Borough for their own self build and custom housebuilding.

7.10 The register provides information on the number of individuals and associations on the register; the number of serviced plots of land sought; the preferences people on the register have indicated, such as general location within the Borough, plot sizes and type of housing intended to be built.

7.11 Details of the data held on the self-build and custom housebuilding register can be found within the Self-Build and Custom Housebuilding Report below:

<https://www.rugby.gov.uk/downloads/download/390/self-build-and-custom-housebuilding-report-2019>

7.12 Self-build and custom housebuilding projects are led by individuals and community associations. The Council's role is to provide enough suitable permissions. A 'suitable permission' is where planning approvals are granted for dwellings that could become self-build plots, should interested parties engage with landowners. For example, this may apply to approvals ranging from individual dwellings to up to 10 dwellings.

Serviced plot

7.13 The definition of a serviced plot of land as set out in the Self-build and Custom Housebuilding Act 2015 means a plot of land that:

- (a) has access to a public highway and has connections for electricity, water and waste water, or
- (b) can be provided with those things in specified circumstances or within a specified period.

Developers are advised to work with the Borough Council and County Council on developing serviced plots.

Delivering self-build and custom housebuilding

Local Plan

7.14 The Council's approach to delivering self-build and custom housebuilding is identified in the Local Plan. Self-build and custom housebuilding proposals should be compliant with all the policies in the Local Plan.

Policy H1:

7.15 This policy states: “Sustainable Urban Extensions will be expected to provide opportunities for self-build and custom build as part of the mix and type of development.”

7.16 A threshold approach to delivering self-build and custom housebuilding was rejected by the Planning Inspector examining the Local Plan due to insufficient evidence of demand.

7.17 The Councils approach to delivering self-build and custom housebuilding is as follows:

- Granting suitable permissions for potential self-build and custom housebuilding plots
- Supporting self-build and custom build housebuilding on strategic allocations
- Assessing potentially suitable Council owned land
- Supporting community groups to deliver self-build and custom housebuilding
- Supporting the inclusion of self-build and custom housebuilding policies in Neighbourhood Plans
- Where development sites have not been progressed, the Council will liaise with landowners and community groups to consider self-build and custom housebuilding for such sites
- The Councils SHLAA provides a list of sites which have previously been submitted for those interested in Self-build and custom housebuilding to review

7.18 Demand is measured through the Self-build and custom housebuilding register. Since 2016, demand for self-build and custom housebuilding has been met through the granting of suitable permissions or windfall sites. Should demand in the urban area rise above levels of supply, developers would enter into discussions with the Council on how to meet this demand. This would involve identifying potential suitable plots, defining phasing plans and separate access works to the non-self-build housing elements of Sustainable Urban Extensions (SUEs). Self-build and custom housebuilding plots within SUEs should be concentrated together to safeguard the coherence of a development. The housing mix should conform with the SHMA.

7.19 Planning conditions would stipulate that a marketing strategy would be required. Self-build and custom housebuilding plots will be expected to be marketed for a minimum period of 12 months. Once plots have been marketed for the minimum period, they may then remain on the market as self-build and custom housebuilding plots, be offered for purchase to RPs, or be built out by the landowner as appropriate.

7.20 A developer and the Council may work together to develop a design code for larger schemes. This would provide certainty by establishing what form any development could take. This can be supplemented by ‘plot passports’, which concisely identify site parameters for prospective plot purchasers.

7.21 The Council's Development Strategy Team has engaged with the Council's Corporate Property Team as to the availability of suitable Council owned land. No suitable sites have been identified so far. Engagement will continue as land availability is not static, so an annual review will take place to identify any suitable sites that may become available.

Individuals and community associations

7.22 The Council will work with and support individuals and community groups to bring forward self-build and custom housebuilding plots. There are a number of online guides to assist with individuals who want to come together to form a community group.

7.23 A starting point for community groups is to decide their preferred method for advancing self-build and custom housebuilding. The list below provides some examples of delivery options to 'signpost' community groups. Engagement with the Council's pre-application advice service is recommended from the outset:

- Neighbourhood Plans can facilitate self-build and custom housebuilding through creating new policies and allocating suitable sites
- Community groups could consider forming a Co-housing group or Community Land Trust
- Community group could contact developers who specialise in self-build and custom housebuilding
- Community groups could look to form a partnership with a Housing Association
- Neighbourhood Development Orders can be used to allocate sites for self-Build and Custom Housebuilding:
<https://www.gov.uk/guidance/neighbourhood-planning--2#What-is-Neighbourhood-Development-Order>
- Community Right to Build Orders:
https://www.planningportal.co.uk/info/200130/common_projects/42/neighbourhood_planning/2

Finance

7.24 Securing finance is a key factor for delivering Self-build and custom housebuilding. Specialist advice on securing finance and the most appropriate route for your project is recommended.

There are three main routes to securing finance:

a) Self-build mortgages

A range of self-build mortgages are available. A self-build mortgage differs from a standard mortgage as the funds are normally released in phases as the project progresses.

b) Selling a property to raise funds

Another option is to sell existing your home to raise funds and rent a property until the project is finished. The additional costs and risks of project delays with this method require very careful consideration.

c) Government funding:

Government support for Self-build and custom housebuilding is available from time to time. These schemes are subject to change so please check the governments website for the latest information:

<https://www.gov.uk/guidance/self-build-and-custom-housebuilding>

Self Build and Custom Housebuilding and affordable housing

7.25 Self-build and custom housebuilding units are unlikely to be eligible for affordable housing owing to the relative small scale of such developments. Plot providers should, however, seek to provide a mix of serviced plot sizes to meet the range of demand and affordability. This may include plots suitable for specialist housing such as bungalows for people with mobility issues, smaller plots etc.

7.26 There are four main potential mechanisms for delivering affordable housing through Self-build and custom housebuilding:

- Landowners working in partnership with a local community group, Community Land Trust or similar
- Developments where more than 11 self-build and custom housebuilding units are proposed for a single site
- Self-build and custom housebuilding proposed as part of wider developments of 11 or more units
- Self-build and custom housebuilding proposed for a rural exception site. Where affordable self-build plots are to be delivered on rural exception sites, there will

also be a need to establish that a household has a local connection to the Parish where the plot is proposed.

7.27 The Council will continue to engage with stakeholders to meet demand for self-build and custom housebuilding.



RUGBY BOROUGH COUNCIL

HOUSING NEEDS SUPPLEMENTARY PLANNING DOCUMENT (SPD) 2021

ADOPTION STATEMENT

Notice is hereby given in accordance with Regulations 14 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) that the Housing Needs SPD 2021 was adopted by Full Council on TBC.

The adopted Housing Needs SPD 2021 does not form part of the Development Plan, but sits beneath the Local Plan. Its purpose is to provide additional detail and information to help guide the interpretation of Policies H1-H6 in the Local Plan 2019. It is a material consideration in the assessment of planning applications.

Any person with sufficient interest in the decision to adopt the Supplementary Planning Document may make an application to the High Court for permission to apply for judicial review of the decision. Any such application must be made promptly in any event no later than 3 months after the date on which the SPD was adopted.

The adopted Housing Needs SPD 2021 will be available to view online at:

LINK TBC after adoption

For any enquiries regarding the SPD please contact the Development Strategy team on 01788 533741 or e-mail localplan@rugby.gov.uk.

Rugby Borough Council Housing Needs SPD 2021

**Adoption Statement Appendix A-
Modifications made as a result of
representations received**



1. Introduction

1.1 This document sets out a summary of the responses and modifications made to the Housing Needs Supplementary Planning Document (SPD) 2021 consultation.

1.2 The consultation period ran from 10th November to 22nd December 2020. Copies of the Housing Needs SPD 2021 are available at:

https://www.rugby.gov.uk/info/20004/planning_strategy/488/draft_housing_needs_supplementary_planning_document

1.3 15 responses were received. 12 were received by email and 3 were received via the dedicated online consultation response form.

1.4 A copy of the responses and a list of consultees who made representations to the consultation can be found at the end of this document.

2. How did we consult?

2.1 The consultation was carried out under Regulations 11 to 16 of the (Local Planning) (England) 2012 (TCPA Regulations) and the Council's adopted Statement of Community Involvement SCI (updated September 2020 due to the COVID-19 pandemic).

2.2 The details of the consultation including where to view the document online and how to respond to the consultation were published on the Rugby Borough Council website and in the Rugby Observer newspaper.

2.3 All statutory consultees and any individuals and businesses whose details were held on the Development Strategy Consultation Database received either a letter or an email notifying them of the consultation and where to view the documents online. Copies of the consultation documents were made available on the Council's website.

2.4 Due to the COV-19 pandemic, hard copies were not placed in libraries although it was made clear that hard copies of the SPD could be posted to consultees. 3 requests were received to post out hard copies of the document.

2.5 Following the introduction of GDPR regulations, the Development Strategy Database had been updated to include only those the Council had a duty to consult, and those who had 'opted in' or expressed a wish to be notified of future Local Plan documents.

2.6 Representations could be made by email, online representation form or by post.

3. What did consultees say?

4 main issues were raised:

Scope of the SPD

3.1 In relation to the scope of the document, a comment was made that the SPD does beyond what an SPD can include. This SPD is broader than the previous Housing Needs SPD to reflect changes to the planning system. Much of the content of the 2012 Housing Needs SPD is included within the Local Plan itself. All sections of the SPD have a clear policy basis to justify the detail included. Therefore whilst the document is broader than before, a single document is considered preferable for ease of use to multiple documents.

Negotiating levels of affordable housing

3.2 Comments were made in relation to negotiating levels of affordable housing. The inclusion of viability reviews was questioned. The text has been amended. Further details on viability reviews are to be provided within the Planning Obligations SPD.

'Clustering' of affordable housing

3.3 Developers raised concern around the inclusion of 'clustering', specifically the example given of clusters of 10 homes. The document is however clear that this is provided as an example. The section on the clustering of affordable homes is part of a wider recognition for the need for tenure-blind development and to drive up the standard of affordable housing in the Borough. Providing a figure of 5-10 homes makes the document more accessible to the wider community who may not be familiar with the Planning process.

Self-build and custom housebuilding

3.4 The SPD is an opportunity to help define the Council's approach to self-build and custom housebuilding so further detail on this has been provided. In response to comments on community involvement a section has been provided to assist individuals and community groups looking to develop self-build and custom housebuilding plots. The wording is considered flexible enough to accommodate any future reforms of the self-build and custom housebuilding system included in upcoming Planning reforms.

Other comments

3.5 Other comments were made in relation to including updated references to key Planning documents and government initiatives, including detail on alternative tenures, clarifying text on affordable housing, including text on electric vehicle charging points and adding additional text on how off-site affordable housing could be calculated.

4. What action did RBC take as a result of the comments received?

Scope of the SPD

4.1 The scope of the document is considered appropriate to fulfil the requirements of Policies H1-H6, so no changes were considered necessary.

Negotiating levels of affordable housing

4.2 Additional text was inserted to confirm that matters such as viability review will be confirmed from the outset in any future Section 106 agreement.

'Clustering' of affordable housing

4.3 The text was amended to confirm that the number of dwellings listed in the document is an example.

Self-build and custom housebuilding

4.4 Amendments to overall self-build and custom housebuilding strategy to clarify the ways self-build can be delivered. The inclusion of 'signposting' for community groups to outline the different approaches to self-build and custom housebuilding. Additional detail on the delivery of self-build and custom housebuilding plots on strategic allocations.

5. List of consultees who made representations

- Warwickshire County Council Planning Policy
- Warwickshire County Council Flood Risk Management
- Historic England
- Natural England
- Place Partnership (OBO Warwickshire Police)
- Inland Waterways Association (Warwickshire Branch)
- Nuneaton and Bedworth Borough Council
- Cllr A'Barrow
- Cllr Sandison
- Dunchurch Parish Council
- Wolston Parish Council
- Framptons (OBO Tritax Symmetry LTD)
- Marrons (OBO L and Q Estates)
- Barton Wilmore (OBO Taylor Wimpey)
- 1 resident

Respondent	Comments	RBC Response	Action	Recommended Changes in bold or strike through (unless otherwise stated)
1.Cllr Sandison	<p>The Liberal Democrat Group are looking to respond to this consultation. Two issues stand out at this time the flexibility in the type of tenure that can be offered we seem to have got a bit institutionalised in tenure types and fails to reflect new models now being offered elsewhere like rent plus by other local authorities, which offers fixed term assured shorthold tenancies with the option to purchase after a agreed period with help towards a deposit for example.</p> <p>The numbers of units outlined in self build appears to discriminate on small sites against BAME/ community led or family groups. Not all are owned by the council and I can identify at least 3 sites in my ward that could be applicable to small self build schemes that are community led. Any advice would welcome on how we can enhance the wording in the SPD to reflect this would be welcome.</p>	<p>Comments noted. The SPD is designed to be sufficiently flexible to accommodate new tenure types although the Housing Strategy Team will primarily advise on this. Self-build projects are typically led by community groups under the current Self-build system. In principle the Council would support community groups coming forward to advance Self-build projects and would offer appropriate support. The Council has reviewed the land it owns for suitability for Self-build and will continue to do so. The Council is mindful that the government has recently consulted on reforms to the Planning system which may include additional changes to Self-build. There is uncertainty on what this will mean so the Council will ensure the SPD is flexible enough to</p>	<p>Chapter re-arranged so the Council’s approach is more clearly defined. Additional wording on community groups and Self build to be included. The purpose of additional wording is to provide guidance to ‘signpost’ community groups.</p>	<p>Consultation version Paras 7.2 – 7.21 have been rearranged and replaced in their entirety.</p> <p>Proposed changes (including a new layout for existing text and proposed new text) are identified below in bold:</p> <p>National Policy</p> <p>7.2 The primary legislation concerning self-build and custom housebuilding is the Self-Build and Custom housebuilding Act 2015, available to view below:</p> <p>http://www.legislation.gov.uk/ukpga/2015/17/contents/enacted</p> <p>Defining self-build and custom housebuilding</p> <p>7.3 Section 1 of the Self-build and Custom Housebuilding Act 2015 defines Self-Build and Custom Housebuilding as “the building or completion by individuals, association of individuals, or persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals. It does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.”</p>

		<p>accommodate any changes.</p>	<p>7.4 Self-build involves direct involvement in organising and constructing a home. Custom build involves the commissioning of a specialist developer to deliver a home.</p> <p>Types of Self Build and Custom Housebuilding</p> <p>7.5 Individual self or custom build: An individual who buys a plot of land to develop and leads on building a home, although may employ the assistance of builders, architects etc.</p> <p>7.6 Group self or custom build: A group of individuals design and develop a scheme they live in. Again, they may employ the assistance of builders, architects etc.</p> <p>7.7 Developer-led custom build: A developer who provides plots to individuals within a larger scheme. The individual has significant input into the design and finish of the home in terms of internal layout and dimensions, window design and external materials.</p> <p>7.8 Community-led custom build: Community led development, usually in collaboration with a developer.</p> <p>Self-Build and Custom Housebuilding Register</p> <p>7.9 The Self and Custom Housebuilding Act 2015 requires the Council to keep and maintain a</p>
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			<p>register of individuals, and associations of individuals, who are seeking to acquire self- build serviced plots of land in the Borough for their own self build and custom housebuilding.</p> <p>7.10 The register provides information on the number of individuals and associations on the register; the number of serviced plots of land sought; the preferences people on the register have indicated, such as general location within the Borough, plot sizes and type of housing intended to be built.</p> <p>7.11 Details of the data held on the self-build and custom housebuilding register can be found within the Self-Build and Custom Housebuilding Report below:</p> <p>https://www.rugby.gov.uk/downloads/download/390/self-build-and-custom-housebuilding-report-2019</p> <p>7.12 Self-build and custom housebuilding projects are led by individuals and community associations. The Council's role is to provide enough suitable permissions. A 'suitable permission' is where planning approvals are granted for dwellings that could become self-build plots, should interested parties engage with landowners. For example, this may apply to approvals ranging from individual dwellings to up to 10 dwellings.</p>
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				<p>Serviced plot</p> <p>7.13 The definition of a serviced plot of land as set out in the Housing and Planning Act 2016 (9) (4), means a plot of land that:</p> <p>(a) has access to a public highway and has connections for electricity, water and waste water, or</p> <p>(b) can be provided with those things in specified circumstances or within a specified period.</p> <p>Developers are advised to work with the Borough Council and County Council on this.</p> <p>Delivering self-build and custom housebuilding Rugby Borough Local Plan</p> <p>7.14 The Council’s approach to delivering self-build and custom housebuilding is identified in the Local Plan. Self-build and custom housebuilding proposals should be compliant with all the policies in the Local Plan.</p> <p>Policy H1:</p> <p>7.15 “Sustainable Urban Extensions will be expected to provide opportunities for self-build and custom build as part of the mix and type of development.”</p>
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			<p>7.16 A threshold approach to delivering self-build and custom housebuilding was rejected by the Planning Inspector examining the Rugby Borough Local Plan due to insufficient evidence of demand.</p> <p>The Councils approach to delivering self-build and custom housebuilding is as follows:</p> <ul style="list-style-type: none">• Granting suitable permissions• Supporting Self-build and custom build housebuilding on strategic allocations• Assessing potentially suitable Council owned land• Supporting community groups to deliver Self-build and custom housebuilding• Supporting the inclusion of Self-build and custom housebuilding policies in Neighbourhood Plans• Where development sites have not been progressed, the Council will liaise with landowners and community groups to consider Self-build and custom housebuilding for such sites where appropriate• The Councils SHLAA provides a list of sites which have previously been submitted for those interested in Self-build and custom housebuilding to review <p>7.17 Demand is measured through the Self-build and custom housebuilding register. Since 2016, demand for self-build and custom housebuilding</p>
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			<p>has been met through the granting of suitable permissions or windfall sites. Should demand in the urban area rise above levels of supply, developers would enter into discussions with the Council on how to meet this demand. This would involve identifying potential suitable plots, defining phasing plans and separate access works to the non-self-build housing elements of Sustainable Urban Extensions (SUEs). Self-build and custom housebuilding plots within SUEs should be concentrated together to safeguard the coherence of a development. The housing mix should conform with the SHMA.</p> <p>7.18 Planning conditions would stipulate that a marketing strategy would be required. Self-build and custom housebuilding plots will be expected to be marketed for a minimum period of 12 months. Once plots have been marketed for the minimum period, they may then remain on the market as self-build and custom housebuilding plots, be offered for purchase to RPs, or be built out by the landowner as appropriate.</p> <p>7.19 A developer and the Council may work together to develop a design code for larger schemes. This would provide certainty by establishing what form any development could take. This can be supplemented by 'plot passports', which concisely identify site parameters for prospective plot purchasers.</p>
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				<p>7.20 The Council's Development Strategy Team has engaged with the Council's Corporate Property Team as to the availability of suitable Council owned land. No suitable sites have been identified so far. Engagement will continue as land availability is not static, so an annual review will take place to identify any suitable sites that may become available.</p> <p>Individuals and community associations</p> <p>7.21 The Council will work with and support individuals and community groups to bring forward Self-build and custom housebuilding plots. There are a number of online guides to assist with individuals who want to come together to form a community group.</p> <p>7.22 A starting point for community groups is to decide their preferred method for advancing Self-build and custom housebuilding. The below list provides some examples of delivery options to 'signpost' community groups. Engagement with the Councils pre-application advice service is recommended from the outset:</p> <ul style="list-style-type: none">• Neighbourhood Plans can facilitate Self-build and custom housebuilding through creating new policies and allocating suitable community development sites
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			<ul style="list-style-type: none"> • Community groups could consider forming a Co-housing group or Community Land Trust • Community group could contact developers who specialise in Self-build and custom housebuilding • Community groups could look to form a partnership with a Housing Association • Neighbourhood Development Orders can be used to allocate sites for Self-Build and Custom Housebuilding: https://www.gov.uk/guidance/neighbourhood-planning--2#What-is-Neighbourhood-Development-Order • Community Right to Build Order: https://www.planningportal.co.uk/info/200130/common_projects/42/neighbourhood_planning/2 <p>Finance:</p> <p>7.24 Securing finance is a key factor for delivering Self-build and custom housebuilding. Specialist advice on securing finance and the most appropriate route for your project is recommended.</p> <p>There are three main routes to securing finance:</p>
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			<p>Self-build mortgages</p> <p>7.25 A range of self-build mortgages are available. A self-build mortgage differs from a standard mortgage as the funds are normally released in phases as the project progresses.</p> <p>Selling a property to raise funds</p> <p>7.26 Another option is to sell existing your home to raise funds and rent a property until the project is finished. The additional costs and risks of project delays with this method require very careful consideration.</p> <p>Government funding:</p> <p>7.27 Government support for Self-build and custom housebuilding is available from time to time. These schemes are subject to change so please check the governments website for the latest information:</p> <p>https://www.gov.uk/guidance/self-build-and-custom-housebuilding</p> <p>Self-build and Custom Housebuilding on Rural Exception Sites</p> <p>5.22 Where the need for cross-subsidy can be demonstrated, the potential to bring forward Self-build and custom housebuilding plots should be considered. There will still be a need to</p>
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				<p>establish that a household has a local connection to the Parish where the plot is proposed.</p> <p>5.23 Discounted Self-build and custom housebuilding plots for shared ownership properties may be able to come forward on Rural Exception Sites. Once completed, restrictions would ensure the homes remain affordable in perpetuity. Local connection and affordability criteria would apply.</p>
Warwickshire County Council Flood Risk Management	4.11 (Clustering) If a site is over 1ha it is classed as a major planning application, therefore in line with the National Planning Policy Framework, a site specific Flood Risk Assessment must be submitted to the Lead Local Flood Authority for review The LPA are the statutory	Comments noted.	None recommended	N/A

	consultees on minor developments under 10 houses, any proposed developments of this nature should be in consultation with the LPA			
2.Warwickshire County Council Flood Risk Management	4.16 (Landscaping) Above ground SuDS could be utilised in open green spaces such as swales and attenuation basins/ponds	Comments noted. Such matters are dealt with through the Development Management process in consultation with Warwickshire County Council.	None recommended	N/A
2.Warwickshire County Council Flood Risk Management	4.26 (Climate Change) The WCC local guidance for developers should be added to the list of documents and policies to follow (https://api.warwickshire.gov.uk/documents/WCCC-1039-95), including following the SuDS best practice, and to the the CIRIA SuDS Manual and LASOO Guide for further details of best design for drainage features. All developments should include sustainable urban drainage systems, and site allocation plans should look to address flood risk and surface water drainage within them SuDS features should be at the surface and adequate treatment of flows should be provided to ensure that final flows leaving the site do not degrade the quality of accepting water bodies. Flood attenuation	Comments noted. The matters raised are relevant to all developments although in this instance this level of detail is likely more appropriate within the forthcoming revised Sustainable Design and Construction SPD. Text in the Housing Needs SPD 2020 refers to the SPD being read in conjunction with other relevant SPDs, so no further action is considered necessary on this point.	None recommended	N/A

	<p>areas must be located outside of flood zones and surface water outlines to ensure that the full capacity is retained. You could include a point that the Lead Local Flood Authority requires SuDS to be designed in accordance with CIRIA 753 SUDS Manual.</p> <p>You could develop this point to include the SuDS hierarchy. The hierarchy is a list of preferred drainage options that the LLFA refer to when reviewing planning applications.</p> <p>The preferred options are (in order of preference): infiltration (water into the ground), discharging into an existing water body and discharging into a surface water sewer.</p> <p>Connecting to a combined sewer system is not suitable and not favourable. The adoption and maintenance of all drainage features is a key consideration to ensure the long term operation and efficiency of SuDS. As part of the planning procedure the LLFA will expect to see a maintenance schedule, at detailed design stages. All SuDS features should be monitored and cleaned regularly as a matter of importance. Please provide</p>			
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	<p>clarification of RBCs position on adopting SuDs. Easements of 8 m alongside watercourses and water bodies are important in providing access for maintenance, protecting and promoting biodiversity and in improving water quality and run-off. Appropriate easements should be built into any development proposal and should be agreed with the LLFA at an early stage in the planning process.</p> <p>We encourage the use of flood resilient design where possible. This includes considering the use of, for example, permeable paving and green roofs in developments.</p> <p>We encourage including blue-green infrastructure in the development design, such as using ponds and wetlands, and the use of landscaping and tree pits that can adapt to climate change.</p>			
3. Cllr A'Barrow	<p>I was appalled when a recent planning application which included affordable housing was passed and the footpath width in front of the affordable houses was so narrow that WCC said that this particular road would not be adoptable, thus giving future residents an extra cost. To provide affordable housing and</p>	<p>The Housing Needs SPD 2020 seeks to support tenure-blind development. The role of the SPD is to elaborate on existing policy which may assist the Development Management process. The SPD is unable to include specific sizes for</p>	<p>Please see above text on recommended amendments on Self-build and custom housebuilding</p>	<p>Please see above text on recommended amendments on Self-build and custom housebuilding</p>

	<p>then subject residents to an extra cost on top of the communal green space charge is so unfair. I know that the units are welcome and developers cost out the whole development to be able to deliver affordable but really if the affordable is to be indistinguishable from the rest then why this difference.</p> <p>The specialist housing section details needs for the elderly and less mobile. However it states that internal layout is not a planning decision and does not give actual measurements for any new build. Accessible and adaptable standard M4(2) minimum could be specified not just for specialist housing but for all new build. Looking forward houses would then be suitable for all needs.</p> <p>Similarly I didn't see anything about electric charge points or reference to keeping up with technology for carbon neutral initiatives for transport or heating. Eg To provide a heat source pump centrally for several dwellings.</p> <p>If we cant give guidelines in this document please advise me where</p>	<p>new builds as such matters would need to be subject to viability assessment, when a viability assessment has already been carried out for the Local Plan. The Housing Needs SPD 2020 will be read alongside other SPDs such as the Air Quality SPD and revised Sustainable Design and Construction SPD, which will address matters such as electric vehicle charging points. Ultimately the implementation of such matters will be through the Development Management process. The self-build process is typically led by community groups. The Council has reviewed Council-owned land and at this time does not have any suitable plots for self-build but will keep this under review. In principle the Council would be open to working with community groups on self-build schemes. The Council is aware that the</p>		
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	<p>we can. If we have an opportunity to improve housing need design in our borough we should be taking it.</p> <p>Self building and custom housebuilding plots including affordable housing – other local authorities have worked with outside stakeholders to provide development areas for selfbuild, I only saw reference to possibilities of up to 11 dwellings. Whilst we may not want a Graven Hill size development I have long said that we could be innovative and supportive of selfbuild and modular build, I see nothing exciting in this SPD. If you look at Tilia Park for instance I am sure the developer will say that the development sells and they know what people want but these red brick boxes are so depressing.</p>	<p>government's recent consultation on planning reforms referenced self build so there may be further changes to the system. Schemes of upto 11 homes are an indicative figure, so the Council would welcome larger schemes in principle, subject to all other considerations.</p>		
Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p>	<p>Comments noted. Having considered the latest legislation and guidance an SEA is not required for this SPD. A scoping report has been produced.</p>	<p>None recommended</p>	<p>N/A</p>

	<p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature. Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment. Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment</p>			
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	<p>or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p>			
<p>Wolston Parish Council</p>	<p>I can confirm that the consultation information has been reviewed and discussed by Wolston Parish Council. The Parish Council support the document in principle, and Councillors agreed they would respond individually to the consultation with their views and comments.</p>	<p>Comments noted.</p>	<p>None recommended</p>	<p>N/A</p>
<p>Framptons</p>	<p>This representation has been prepared by Framptons on behalf of Tritax Symmetry Ltd., in response to Rugby Borough Council's Draft Supplementary Planning Document Consultation dated November 2020 (referred to throughout as the SPD). Tritax Symmetry have land interests at the South West Rugby allocation site, which is allocated for 5,000 dwellings and 35 hectares of B8 employment land in the adopted Local Plan (June 2019) (policies DS3, DS4, DS5, DS8 and DS9).</p> <p>Tritax Symmetry have submitted a planning application in June 2019, for a phase of the residential</p>	<p>It is accepted that the SHMA data on specialist housing will become outdated. The Local Plan will be subject to review. The Development Management process will consider new evidence in relation to demand for specialist housing. Future planning applications for specialist housing that would be eligible to provide affordable housing will be identified through the Development Management process.</p>	<p>None recommended</p>	<p>N/A</p>

	<p>element of the allocation to the north of the allocation (application ref. R18/0995) for 'Residential development of up to 275 dwellings (Use Class C3); provision of open space, including means of access into the site (not internal roads) and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved. Demolition of buildings referenced A-K and 6 silos', at land at Cawston Farmhouse, South of Coventry Road. Chapter 6: Specialist Housing</p> <p>Paragraph 6.6 and 6.7 quotes the SHMA dated 2014:</p> <p>““The data shows that the HMA is expected to see a substantial increase in the older person population with the total number of people aged 55 and over expected to increase by 35% over just 20 years. A particularly high increase is expected in Rugby with a lower figure being seen in Coventry. For Coventry, this is mainly linked to the younger population age profile in the City and the fact that migration patterns tend to focus on younger people. In the case of Rugby the findings are, to</p>			
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	<p>some degree, related to the higher overall population growth projected for the area. For all areas we are also expected to see significant population growth in the oldest age groups with the population aged 85 and over expected to increase by 111% over the next 20-years.” (SHMA, 2014, P.163).</p> <p>“Given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options moving forward. Such housing can broadly be split into three categories; sheltered, extra-care and residential care. Over the past few years there has been a move away from providing sheltered and residential care housing towards extra-care housing (ECH) and we would consider that the majority of additional specialist housing moving forward is likely to be of ECH.” (SHMA, p168)”</p> <p>The evidence within the SHMA will become dated during the lifetime of the Plan, and there is no timetable or commitment within the Plan for when it will be reviewed and</p>			
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	<p>updated. The SPD needs to allow proper flexibility to deal with circumstances where the evidence of the SHMA does not reflect the latest market signals, or evidence of need. There needs to be allowance for consideration of evidence of local demand as required by paragraph 50 (second bullet point) of the Framework.</p> <p>Paragraphs 6.10 to 6.14 relate to specialist housing and affordable housing and state:</p> <p>”Reading the Local Plan as a whole (as per section 38, para 3(b) of the 2004 Planning and Compulsory Purchase Act), policies H2 (Affordable housing provision) and Policy H6 (Specialist housing) specialist housing developments can be required to provide affordable housing.</p> <p>Policy H2 states that “Affordable housing should be provided on all sites of at least 0.36 hectares in size or capable of accommodating 11 (net) dwelling units or more (including conversions and subdivisions).</p>			
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	<p>It is recognised that residential care/nursing homes aren't usually considered to be dwellings. However, other types of specialist housing may contain units that are sufficiently self-contained as to be considered dwellings. Planning officers will determine whether the residential units being provided are capable of being considered as dwellings on a case by case basis.</p> <p>Where a proposed development would be considered to contribute to the housing target contained within the Local Plan through the provision of dwellings then that development would be expected to comply with affordable housing policies.</p> <p>Where compliance with affordable housing policies is required, it may be appropriate for this to be secured by way of an affordable housing contribution, owing to the challenges in enabling a registered provider (RP) to operate affordable housing within such a wider specialist housing scheme. Consultation with the Strategic Housing team is recommended to</p>			
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	<p>understand demand and RP requirements.”</p> <p>It is agreed that residential care/nursing homes are not usually considered to be dwellings and do not attract a requirement for affordable housing. It is noted in the officers report to committee (Reference: R18/0167) for the site at Oakdale Nurseries, Rugby Road, Coventry, CV8 3GJ for ‘Outline planning permission for the redevelopment of the former Garden Centre / Nursery site to provide a ‘Care Village’ residential retirement development of 124 independent living units and a 36 bed care centre (Use Class C2), all matters except access reserved. (amended scheme), that there was no requirement for affordable housing.</p> <p>With regards to other specialist housing, a flexible approach should be taken, as set out above, on a ‘case by case’ basis.</p>			
Framptons	<p>Chapter 7: Self Build and Custom Housebuilding</p> <p>Paragraphs 7.6 and 7.10 state:</p>	<p>The 12-month marketing period is indicative rather than a set requirement. Should Self-build demand</p>	<p>Please see above text on recommended amendments</p>	<p>Please see above text on recommended amendments on Self-build and custom housebuilding</p>

	<p>“Sustainable Urban Extensions will be expected to provide opportunities for self-build and custom build as part of the mix and type of development.”</p> <p>A threshold approach to delivering self-build and custom housebuilding was rejected by the Planning Inspector examining the Rugby Borough Local Plan due to insufficient evidence of demand.</p> <p>The Council’s Development Strategy Team has engaged with the Council’s Corporate Property Team as to the availability of suitable Council owned land. No suitable sites have been identified so far. Engagement will continue as land availability is not static, so an annual review will take place to identify any suitable sites that may become available.</p> <p>Demand is measured through the Self-build and custom housebuilding register. Since 2016, demand for self-build and custom housebuilding has been met through the granting of suitable permissions or windfall sites. Should demand in the urban area rise above levels of supply,</p>	<p>not be met and plots are required on strategic allocations, the marketing period would be subject to negotiation.</p>	<p>on Self-build and custom housebuilding</p>	
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	<p>developers would enter into discussions with the Council on how to meet this demand. This would involve identifying potential suitable plots, defining phasing plans and separate access works to the non-self build housing elements of Sustainable Urban Extensions (SUEs). Self-build and custom housebuilding plots within SUEs should be concentrated together to safeguard the coherence of a development. The housing mix should conform with the SHMA</p> <p>Planning conditions would stipulate that a marketing strategy would be required. Self-build and custom housebuilding plots will be expected to be marketed for a minimum period of 12 months. Once plots have been marketed for the minimum period, they may then remain on the market as selfbuild and custom housebuilding plots, be offered for purchase to RPs, or be built out by the landowner as appropriate.</p> <p>Self-build and custom housebuilding should only be required where there is a clearly evidenced demand. The published RBC Self-Build and Custom</p>			
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	<p>Housebuilding Register (2019 update) on the page 4 summary concludes “This report demonstrates that Rugby Borough Council has met its requirement to grant sufficient permissions for an equivalent number of plots as those on the self-build and custom housebuilding register” and as stated above the Planning Inspector examining the Rugby Borough Local Plan did not include a threshold approach due to insufficient evidence of demand. The requirement for a marketing strategy in paragraph 7.10 also suggests a lack of evidence for self-build plots. Furthermore, if the LPA seeks to impose an unduly onerous period of time for the marketing, this will frustrate the delivery of self-build and custom-build housing, and could undermine the viability of such developments.</p>			
Barton Wilmore	<p>We have prepared these representations on behalf our Client, Taylor Wimpey UK Limited ('Taylor Wimpey'), who welcome the opportunity to respond to the Rugby Borough Council Draft Housing Needs Supplementary Planning Document (SPD) consultation. Our Client has significant land interests at the South West Rugby Sustainable</p>	<p>The title of the document is considered appropriate as this SPD updates the previous Housing Needs SPD. This document is broader than the previous SPD to reflect changes to the planning system e.g. the introduction of self build and custom</p>	<p>None recommended</p>	<p>N/A</p>

	<p>Urban Extension (SUE), which is allocated for 5,000 dwellings and 35 hectares of B8 employment land under Policies DS3, DS4, DS5, DS8 and DS9 of the Rugby Local Plan, which was adopted in June 2019. We have recently submitted detailed representations to the recent South West Rugby Masterplan SPD Further Engagement Consultation on behalf of Taylor Wimpey. The National Planning Policy Framework (NPPF) defines a Supplementary Planning Document as follows: “Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.” As such, the Draft SPD is expected to be in accordance with the policies of the adopted Local Plan. Paragraph 1.4 of the Draft SPD states that the document will guide the implementation of Local Plan policies H1 – H5: Policy H1: Housing Mix – sets a requirement for developments to provide a mix of</p>	<p>housebuilding. It is also worth noting that the content of the 2012 Housing Needs SPD has now been incorporated into the Local Plan 2019. Each section in the SPD directly responds to a specific policy. The document was checked to ensure it was not proposing the creation of new policy. The SPD seeks to provide a holistic approach to ensure that it is consistent with other SPDs such as Air Quality and Sustainable Design and Construction.</p>		
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	<p>housing type and size in accordance with the Council's latest Strategic Housing Market Assessment (SHMA). New development should take account of specific housing needs including for older people and first time buyers. The policy sets out a number of circumstances where an alternative housing mix may be appropriate.</p> <ul style="list-style-type: none">• Policy H2: Affordable Housing Provision – sets a requirement for 20% affordable housing on previously developed sites of 11 dwellings / 0.36ha or more and 30% affordable housing on greenfield sites of 11 dwellings / 0.36ha or more. The tenure and mix of affordable dwellings should be informed by the SHMA and properties should be integrated to create inclusive communities. Affordable housing should be provided on site unless off-site contributions can be fully justified. If a reduced percentage of affordable housing is proposed, viability evidence should be submitted as part of the planning application.• Policy H3: Housing for Rural Businesses: outlines the policy in respect of single agricultural			
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	<p> dwellings, or those for other countryside workers.</p> <ul style="list-style-type: none"> • Policy H4: Rural Exceptions Sites – sets out where the development of affordable housing outside of settlement boundaries to meet the needs of local people may be acceptable. • Policy H5: Replacement Dwellings – outlines circumstances where replacement dwellings in the countryside may be acceptable. <p>As a general comment, the purpose of the draft SPD appears confused. It goes far beyond the remit of considering ‘housing need’ as the title suggests, and also goes far beyond the requirements of Policies H1 – H5. It considers several other sets of policies including design and low climate change.</p> <p>The scope and title of the final SPD should be clear and consistent to ensure that the SPD is effective in guiding future development in the Borough.</p> <p>Our response to the draft Housing Needs SPD has been split into sections, in accordance with those set out within the consultation document.</p>			
Barton Wilmore	It is noted that there is no section in the Draft SPD which sets out	The proposed wording is considered consistent with	Clarification that this will	3.4 The financial viability of development proposals may change over time due to the

	<p>explicitly that there may be circumstances where it is necessary for a viability case to be run to reduce affordable housing provision, in accordance with the provisions of Local Plan Policy H2.</p> <p>It is however noted that Paragraph 3.4 states:</p> <p>“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 reduction below the levels of affordable housing required to comply with the relevant Local Plan policies, the Council may require a viability review of the relevant development with an updated viability assessment to be provided at appropriate intervals to determine whether greater or full compliance with the Local Plan policy requirements can be achieved throughout the carrying out of the relevant development.”</p> <p>Taylor Wimpey object to Paragraph 3.4 as drafted. It is not considered appropriate for multiple viability assessments to take place during the</p>	<p>Policy H2. Wording is to be included to clarify that the approach to viability will be defined in the Section 106 agreement to provide greater certainty for developers.</p>	<p>be defined in the Section 106 agreement to provide certainty on this matter.</p>	<p>prevailing economic climate, including changing property values and construction costs. In all cases, therefore, where the Council have agreed to any reduction below the levels of affordable housing required to comply with the relevant Local Plan policies, the Council may require a viability review of the relevant development with an updated viability assessment to be provided at appropriate intervals to determine whether greater or full compliance with the Local Plan policy requirements can be achieved throughout the carrying out of the relevant development. Any viability review is to be defined from the outset in the Section 106 agreement.</p>
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	<p>lifespan of the development of a site. This is extremely onerous. Any requirement to reconsider viability should be limited to a single point. It is also unclear how any re-examination of viability will be dealt with if it is found that 'greater or full compliance with the Local Plan policy requirements can be achieved.' Given the likely advanced nature of site development it should be clear that any uplift would be secured through off-site contributions.</p>			
<p>Barton Wilmore</p>	<p>4. Design As detailed above, Paragraph 1.4 of the draft SPD states that the purpose of the SPD is to expand on the implementation of Local Plan Policies H1 – H5. Policies H1 - H5 do not comment on the design of residential sites / dwellings. As such, it is considered that much of the content of Section 4 of the draft SPD goes beyond the scope of the SPD as it does not specifically relate to 'housing need' or the relevant Local Plan Policies. Paragraph 4.3 of the Draft SPD references Building for Life 12, which was replaced by Building for a Healthy Life in June 2020. The Council must ensure that the final</p>	<p>Para 1.4 defines the SPD's objectives. Policy H2 defines the requirement for the integration of affordable and market housing. Integrating these housing types to create 'tenure blind' development requires a clear design focus. The design text is consistent with existing Development Management best practice and is not considered to create new policy. The Council recognises that guidance changes over time. However, as Building for Life is the document is</p>	<p>Text on clustering to be revised. Building for a Healthy Life to be included (the document was released after the documents original drafting)</p>	<p>http://www.builtforlifehomes.org/ 4.12 The clustering together of affordable homes should be proportionate to the size of a development. National best practice suggests that no more than around 10 affordable dwellings should be grouped together, although this is informed by a development's size, densities and site constraints/opportunities. The exception to this would be when a site comes forward providing only affordable homes. Engaging Development Management through the pre-application process will inform the layout for individual sites. Engagement with Strategic Housing to inform the design process is also recommended.</p>

	<p>SPD references the correct guidance is being referenced in the final document.</p> <p>Notwithstanding this, we would query the relevance of Building for a Healthy Life here given the purpose of this particular SPD, as detailed above. If the Council are to make reference to the guidance, it should be as a consideration rather than as a requirement given the wide ranging scope of the guidance and its potential for differing interpretation. Paragraph 4.12 of the draft SPD states that ‘National best practice’ suggests that no more than 10 affordable dwellings should be clustered together. It is unclear where this ‘National best practice’ is derived from.</p> <p>The size of clusters should be considered on a site by site basis, taking account of site constraints and individual Housing Association requirements. It should be clear what constitutes a ‘cluster’. For example, this should be based on a run within an individual streetscene (adjacent or opposite) and not include properties which are ‘back to back’.</p> <p>Paragraphs 4.24 and 4.25 acknowledge that Rugby Borough</p>	<p>referenced in the NPPF, no change is proposed in case the document title was to be revised again in the future. The reference to 10 dwellings is not a limit or target but an indicative figure. The purpose of including an indicative figure is to provide an idea of what might constitute a cluster to make the document accessible. The final form of a cluster would be determined through the Development Management process and goes beyond the scope of the SPD, however the wording is to be refined.</p> <p>Text on National Space Standards is included as an example of best practice. The text is very clear that it is not a requirement in Rugby although the Council would like to see the highest standard of development of which National Space Standards provide an example. This serves to signpost developers to best practice</p>		<p>4.12: Affordable homes should not be grouped together in disproportionate numbers. This is informed by a developments size, densities and site constraints/opportunities. A typical example may be that a site may would not be expected to have affordable homes in groups of more than 5-10 dwellings together. This example is for illustrative purposes only and is not a specific requirement. The exception to this principle would be when a site comes forward providing only affordable homes. Engaging Development Management through the pre-application process will inform the layout for individual sites. Engagement with Strategic Housing to inform the design process is also recommended.</p> <p>4.3 ‘Building for Life 12’, as referenced in the NPPF, has been replaced by ‘Building for a Healthy Life 12 (B4L12)’. It is advised that applicants use this guidance to help inform scheme layout and design.</p> <p>4.6 Consultation with Registered Providers (RP’s) on their design requirements is recommended at the earliest possible opportunity to avoid any future delays in RP’s taking ownership of affordable homes. It is recommended that affordable properties be designed to reduce ongoing maintenance requirements. Measures to consider may include keeping communal areas to</p>
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	<p>Council have not adopted national space standards. However, they imply that they may be adopted in the future. Notwithstanding our comments above in respect of the inclusion of design criteria within the draft SPD, Footnote 46 to part f) of Paragraph 127 of the NPPF states: “Planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.” Rugby Borough’s adopted Local Plan does not adopt national space standards, neither does it provide justification for the need for internal space standards to be set, as required by the NPPF. As such, it is not appropriate for the Housing Needs SPD to introduce any discussion on national space standards.</p> <p>Paragraph 4.26 of the draft SPD suggests that affordable properties will be expected to include measures to create carbon neutral dwellings, including through the use of</p>	<p>and equally ensure the public can see what constitutes design best practice to help ensure the planning system is accessible.</p> <p>The Council has declared a Climate Emergency and it is therefore considered appropriate to make reference to Local Plan policies concerning energy efficiency. The wording is consistent with the Local Plan and does not specify that renewable energy is a requirement for affordable homes.</p>		<p>a minimum and using low maintenance landscaping.</p> <p>4.7 Rugby Borough Council offers a pre-application advice service. This will help inform discussions on matters such as appropriate positioning of parking, bin storage and landscaping for affordable homes: https://www.rugby.gov.uk/info/20084/planning_control/451/pre-application_planning_advice</p> <p>4.10 Building for a Healthy Life 12 (B4L12) recommends providing “Affordable homes that are distributed across a development”.</p> <p>4.13 Building for a Healthy Life 12 (B4L12) recommends:</p> <ul style="list-style-type: none"> • Designing homes and streets where it is difficult to determine the tenure of properties through architectural, landscape or other differences. • Access to some outdoor space suitable for drying clothes for apartments and maisonettes. Consider providing apartments and maisonettes with some private outdoor amenity space such as semi-private garden spaces for ground floor homes; balconies and terraces for homes above ground floor.
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	<p>renewable energy. This is extremely onerous and likely to pose issues for Housing Associations and their maintenance of properties. Notwithstanding our comments above regarding the scope of this SPD, it is considered that a more appropriate approach would be to require all housing to comply with the latest Building Regulations Part L&F to futureproof homes and make them more sustainable.</p> <p>Summary</p> <p>Thank you for the opportunity to comment on the draft Rugby Borough Council Housing Needs SPD. Taylor Wimpey has concerns regarding the scope of the draft SPD. It goes far beyond assisting the implementation of Policies H1 – H5 of the adopted Local Plan and its title is therefore misleading. This must be addressed in the next version of the SPD. Comments have been made above in respect of the delivery of affordable housing, viability, affordable clusters and design. We trust that these comments will assist Rugby Borough Council in developing the next version of the Housing Needs SPD.</p>			
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Historic England	Historic England welcomes the references made to, and aspirations for, design which run through the document. Design elements can make a positive contribution to the historic environment and help develop a sense of place and appreciation of our surroundings. We have no further comments to make on the draft SPD. Do not hesitate to contact me should you have any queries.	Comments noted	None recommended	N/A
Place Partnership (OBO Warwickshire Police)	Place Partnership Limited (PPL) is instructed by Warwickshire Police (WP) to submit representations to the public consultation on the Draft Housing Needs Supplementary Planning Document (DHNSPD). WP's interest in this relates to design matters. In this respect, paragraph 4.1 of the DHNSPD states that the primary source of design guidance is the Council's Sustainable Design and Construction SPD (SDCSPD) and that the purpose of the DHNSPD is to complement this. Part 8 of Appendix B – Residential Extension Design Guide of the SDCSPD accordingly advises those proposing this type of work to visit the Secured by Design (SBD) website (www.securedbydesign.com). Whilst	The Housing Needs SPD 2020 seeks to be consistent with the Council's other SPDs. Warwickshire Police would be consulted as part of the Development Management process. The Council recognises the importance of initiatives such as Secured by Design although the level of detail included in the guidance is a more of a Development Management consideration. A reference to Secured by Design will be included although the primary document for the references included will be the Sustainable Design and Construction SPD.	Inclusion of reference to Secured by Design	4.8 Advice on principles and standards to reduce crime and anti-social behaviour is available online from Secured by Design www.securedbydesign.com

	<p>this remains very good advice, it also needs to be included and expanded upon by the DHNSPD.</p> <p>Doing so would be in accordance with Policy HS1 – ‘Healthy, Safe and Inclusive Communities’ of the Local Plan, which states that proposals should minimise the potential for crime and anti-social behaviour, as well as improving community safety.</p> <p>Turning to affordable housing specifically, SBD has long had a close relationship with this type of development. Design Out Crime Officers (DOCOs) from police forces all over the country work with providers to incorporate proven crime prevention techniques into such homes, such as increasing natural surveillance and encouraging the use of items such as locks that meet ‘Police Preferred Specification’, which means they resist attack by thieves.</p> <p>This is very important in a context where low-income families and vulnerable residents are often more likely to be impacted by crime and anti-social behaviour. This is then exacerbated by the fact that such residents are often less able to replace goods stolen or damaged as a result of such incidents. Installing</p>			
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	<p>SBD would make a real difference to these situations, with research showing that homes with SBD on average suffer 75% less incidents of burglary than those without. This helps explain why National Planning Practice Guidance includes the following segment on this area of design:</p> <p>“Good design that considers security as an intrinsic part of a masterplan or individual development can help to achieve places that are safe as well as attractive, which function well, and which do not need subsequent work to achieve or improve resilience...Good design means a wide range of crimes from theft to terrorism are less likely to happen by making those crimes more difficult.”</p> <p>Paragraph: 010 Reference ID: 53-010-20190722</p> <p>Revision date: 22 07 2019</p> <p>Therefore, WP proposes that the following paragraphs be added to Chapter 4 of the DHNSPD:</p> <p>Secured by Design 4. New dwellings should incorporate Secured by Design principles and standards to help create a low crime and safe environment for the future residents who will occupy them. 4. Secured by</p>			
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	<p>Design guides for residential development are freely available online at www.securedbydesign.com.</p> <p>4. Free help and advice on this subject can also be obtained from Warwickshire Police's dedicated Design Out Crime Officers.</p> <p>The inclusion of this new content would be in accordance with and be supported by:</p> <ul style="list-style-type: none">☐ Paragraphs 8 (b), 11, 16, 20, 28, 37, 91 (b), 95, 124 - 131 of the NPPF;☐ Policy HS1 of the Rugby Borough Council Local Plan 2011-2031 (adopted June 2019); and☐ The National Design Guide (2019). <p>Notwithstanding the above, WP are aware there is an opinion held by some parties that because Part Q of the Building Regulations: Security - Dwellings (October 2015) references SBD, there is no need to do so in planning policy. This is a mistaken notion for two reasons:</p> <ol style="list-style-type: none">1. Only doors and windows are covered by Part Q. No guidance is given on the layout of developments, nor on any other aspect of the design of a development or individual properties.			
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	<p>2. Part Q itself advises in paragraphs 1.2 and 2.2 that in relation to doors and windows (i.e. even in the areas of design it does cover), further guidance should be sought from SBD.</p> <p>There may also be a view expressed that the DHNSPD could contain its own guidance on designing out crime. This would also be an unsound approach because, at best, such text would only duplicate some of the guidance already provided by SBD. Furthermore, any such guidance produced in SPD form, no matter how well initially drafted, will not be updated regularly enough to keep up with the latest best practice and technology in this area. Therefore, such guidance would be soon out-of-date.</p> <p>Overall, if the DHNSPD contains the text recommended by WP and therefore signposts developers to SBD, this will help to deliver housing schemes in the Borough that are safe, attractive and benefit from low crime and anti-social behaviour levels. The residents will in turn largely be freed from the fear of crime as they go about their daily lives, which is arguably the greatest benefit of all. WP hopes this</p>			
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	response is helpful to Rugby Borough Council and look forward to further constructive partnership work as the DHNSPD is prepared.			
Marrons	<p>I am instructed by L&Q Estates to submit the following representations on their behalf in respect of land they control at Cawston. The land is located to the south of Coventry Road and forms part of the South West Rugby allocation.</p> <p>1. The SPD proposes to round up the affordable housing requirement (paragraph 3.5) to the nearest whole affordable unit rather than round down. To require rounding up would be contrary to the Local Plan in which 'a target affordable housing provision of 30% will be sought'. Rounding up may end up being more than 30%. Furthermore, to suggest a fraction seemingly could overly complicate matters, slowing down delivery.</p>	The text on 'rounding up' affordable housing calculations is intended to provide certainty as to how affordable housing is calculated to assist the negotiation process. The requirement for 30% affordable housing is clear so it is not considered necessary to specify that calculations could not exceed 30%.	None recommended	N/A
Marrons	The wording in the SPD is unnecessarily ambiguous in places when it doesn't need to be. The Council should be mindful of paragraph 16(d) of the National Planning Policy Framework that Plans should: contain policies that are clearly written and unambiguous, so it is	Comments noted. The text included is an example from a Section 106 agreement to help provide an idea of expectations. Its inclusion is considered beneficial to the application of Local Plan policies. The wording of the	None recommended	N/A

	<p>evident how a decision maker should react to development proposals; For instance, a. The layout of such schemes should enable this phasing so that affordable and market dwellings can be delivered at the same time. As an example, the Council may expect:</p> <ul style="list-style-type: none"> ☐ No more than 50% of open market dwellings should be occupied prior to completion of 50% of the affordable homes ☐ No more than 75% of open market dwellings should be occupied prior to completion of 100% of the affordable homes. The above is given as an example, but it may set expectations. It is advised that this is either removed, or amended to be the Council's preference and expressed as being subject to negotiation having regard to the particular circumstances of an individual development. 	<p>SPD has been subject to consultation and consideration by the Council's Legal Services Team.</p>		
Marrons	<p>3. Offsite affordable housing contributions are proposed to be calculated using build costs from the Local Plan Viability Assessment, which is now somewhat dated. It is assumed some form of indexation would be applied here, but it is also possible that costs have changed for</p>	<p>The Council is to amend the wording to add flexibility to encourage the use of the most accurate data.</p>	<p>Proposed amended text</p>	<ul style="list-style-type: none"> • Total number of affordable dwellings - Calculated with reference to the requirements of Policy H2. • Build cost of the required dwellings - Build costs will be determined in line with the contents of the Rugby Borough

	Affordable Provision, in light of advances in modular construction etc.			<p>Council Local Plan Viability Assessment or evidence provided on updated costs. The build costs include proposed dwellings and the wider site e.g. landscaping costs.</p> <ul style="list-style-type: none"> • Land cost - The amount an applicant would have to pay a landowner/developer to develop their affordable dwellings on another site i.e. off site. This will be based on the most up-to-date market information. • The amount equivalent to that which would be payable by a registered provider - This information can be sought directly through discussions with registered providers. Where this is not possible, an estimated cost based on available evidence may be provided.
Marrons	4. In terms of the location of affordable housing, it is suggested that no more than 10 affordable dwellings should be grouped together (subject to similar caveats as above – paragraph 4.12). This is an especially low clustering requirement, especially when a development is providing 30%. For instance at L&Q Estates’ interest in Cawston, this would mean having to provide six different clusters. This may not be attractive to	Local Plan Policy H2 states “Development should provide for the appropriate integration of affordable and market housing in order to achieve an inclusive and mixed community.” Design is the main mechanism for achieving this integration. The figure of 10 dwellings is an example. The SPD is clear that this is indicative	Wording to be amended to provide clarification	Please see updated text above

	<p>registered providers in terms of management. The SPD suggests it is national best practice for clusters of up to 10 dwellings, if so evidence of this should be cited. Nevertheless, whilst clustering is accepted, it is suggested that the Council reconsider its approach to clustering to be more bespoke to the scale of development and have regard to a site's characteristics.</p>	<p>and not a target or limit. Providing a specific figure makes the SPD more accessible to members of the community who are not familiar with the Planning system.</p>		
Marrons	<p>5. In terms of the scale and size of affordable housing, the size of the homes should be driven by meeting local housing needs and market signals. There is unlikely to be a demand for many 4+ bed units for affordable housing but there will be so for market housing. Furthermore, garden sizes will need to have regard to the house types and form and the particular circumstances of the site.</p>	<p>Comments noted. The SPD's text is considered consistent with the points raised as scale and size will be driven by need and market signals. The SPD seeks to achieve the highest standards of development quality. When reading paragraphs 4.13 and 4.14 together the SPD is considered to be clear on this matter.</p>	None recommended	N/A
Marrons	<p>6. There is no reference to the proposed Government's First Homes which was consulted upon earlier in the year in 'Changes to the current planning system' August 2020. The</p>	<p>Comments noted. The First Homes Scheme has been consulted on but not yet implemented so the SPD cannot put any weight upon it. The SPD will be</p>	None recommended	N/A

	final SPD should have regard to the proposed changes, which would see at least 25% of all affordable homes delivered as First Homes.	sufficiently flexible to consider the latest government guidance.		
Marrons	7. There is ambiguous drafting in relation to Climate change regarding carbon neutrality that may cause delays in decision making and implementing development: Where possible, affordable housing would be expected to include measures to create sustainable, carbon neutral dwellings and affordable housing will be expected to be in conformity with Local Plan policies concerning climate change, as detailed below: Carbon neutral homes is not an explicit requirement of the Local Plan, and the SPD needs to follow the approach set out in the building regulations, which the Council will be aware are continuously improving from a carbon perspective.	Comments noted. The Council has declared a Climate Emergency. The wording is not considered to be prescriptive and is included for consistency with other SPDs such as the Air Quality and Sustainable Design and Construction SPD.	None recommended	N/A
Warwickshire County Council Planning Policy	Thank you for consulting Warwickshire County Council on this SPD. We have no comments to make on this matter.	Comments noted	None recommended	N/A

<p>Dunchurch Parish Council</p>	<p>DUNCHURCH VILLAGE</p> <ul style="list-style-type: none"> • Dunchurch centre is in a Conservation Area and is a historic village. The Draft Housing Needs SPD needs to take into consideration and respect the existing character of the Village, as it has a great deal of modern housing at present, set amid fields, woods and pleasant open and green spaces. The Village should be retained as individual and separated from Rugby and its distinctive character valued with no reduction in the open space between Rugby and Dunchurch. • Dunchurch Village is identified as a Main Rural Settlement in the RBC Local Plan where extensive development will be permitted outside existing settlement boundaries and within the Parish boundary, including the conversion of existing buildings. The emerging Dunchurch NDP will include a policy to guide the type of housing which comes forward to help ensure new housing supports the Village's future sustainability. • The Government published a revised version of the NPPF in February 2019 setting out a new national threshold for the provision of affordable homes. In Para. 63 of 	<p>Local Plan Policy DS8 concerns South West Rugby, including the buffer between Rugby and Dunchurch. The South West Rugby SPD provides further details on this. The Development Management process determines the final design of new dwellings and requires existing site context is a key reference point for high quality design. The Dunchurch Neighbourhood Plan is welcomed and the Council will offer appropriate support where possible. The Local Plan defines affordable housing requirements in line with the NPPF.</p>	<p>None recommended</p>	<p>N/A</p>
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	<p>the NPPF it states that ‘the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). NPPF Annex 2: Glossary defines major developments as ‘for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more’.</p>			
<p>Dunchurch Parish Council</p>	<p>COMMUNITY ASPIRATIONS</p> <ul style="list-style-type: none"> • There is evidential support for the provision of appropriate affordable housing in Dunchurch and if possible, tenures should be secured in perpetuity or alternatively via a robust Section 106 Agreement with registered housing providers so that funding from full shared ownership sales receipts can be re-invested into affordable housing. • In the opinion of the DPC, there appears to be a misalignment between the types and sizes of housing in the Dunchurch area and the requirements and needs of the community. As you will be aware, demand is shifting towards smaller homes for an ageing population allowing them to downsize, together with young families and individuals 	<p>Comments noted. The SHMA which supported the Local Plan identifies housing tenure requirements for Rugby Borough and it is accepted that this changes over time. Planning applications should seek to reflect the latest tenure requirements. The Specialist Housing section of the SPD seeks to address the issues raised. Thank you for including the results of the survey. There is currently not a specific design panel at Rugby Borough Council but all planning applications are assessed through the Development Management</p>	<p>None recommended</p>	<p>N/A</p>

	<p>who live on their own. Dunchurch Parish is in an area where the price of open market housing is high and there will be some households who will be unable to purchase open market dwellings if they wish to stay within the Parish boundary.</p> <ul style="list-style-type: none">• There is, therefore, a need in Dunchurch for affordable accommodation which will hopefully meet the increasing demand for the ageing population and young families, together with single occupancy dwellings.• In the Neighbourhood Plan Household Questionnaire Results Final Report 2020, 37% respondents said that the provision of new housing for young families/starter homes was very important, with 41% of respondents saying that it was important. 32% of respondents said that it was very important to have a mixture of privately owned, rented, and shared ownership properties, with 39% saying that it was important• 14% of respondents said that it was very important to have new homes in new developments in Dunchurch, with 33% saying that it was important. 31% said that two-bedroom properties were very	<p>process with design being a central consideration.</p>		
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	<p>important and 51% said it was important. 32% said that three-bedroom houses were very important, with 50% saying that it was important.</p> <ul style="list-style-type: none">• The DPC also acknowledges that the eldest age population group (those aged 85 and over) is projected to increase by over 190% by 2035. As you have mentioned in the consultation, RBC will need to consider the effects, and to respond to, the ageing population with a focus on the provision of this changing demographic. Whilst the NPPF has recognised this trend, RBC should look at the provision of additional forms of supported housing for the elderly in a strategic and creative way. This should also apply to those people who have disabilities.• The above aspirations should support decisions that are responsive to local circumstances and support housing developments that reflect local needs.• Developments of more than twenty dwellings or those of a sensitive nature, potentially affecting any existing housing and / or the local character of Dunchurch should go through the local design review			
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	<p>process. Any comments made by the RBC Design Review Panel should be taken into consideration prior to the determination of all planning applications and may be necessary for smaller scale developments where there is any sensitivity which would affect the site.</p> <ul style="list-style-type: none"> • Whether a development is referred to the RBC Design Panel should be established at the pre-application stage which may avoid any unnecessary delays. • In Dunchurch Village, the average price of a semi-detached property is £236,000 which is slightly lower than the national average of £239,000. Assuming a 15% deposit, those entering the property market in the area would require £35,400 as a deposit with a household income of at least £40,000. This kind of funding is obviously out of reach for many young people aspiring to purchase a starter home. 			
Dunchurch Parish Council	<p>DUNCHURCH PARISH COUNCIL VIEWS</p> <ul style="list-style-type: none"> • Dunchurch PC supports an increase in the housing supply in the area, however it should meet demand, be sustainable and be supported by the required services and infrastructure. Dunchurch PC would prefer to see 	<p>Comments noted. Section 106 agreements and Planning conditions would enforce local connection criteria.</p>	<p>None recommended</p>	<p>N/A</p>

	<p>organic growth in the housing supply.</p> <ul style="list-style-type: none"> • Dunchurch Parish Council believe that they should be actively consulted in the determination of the mix of affordable homes tenures that best meet local needs. • Affordable housing in rural areas, such as Dunchurch, are usually built on exception sites which are adjacent to, but outside the Village boundary, and RBC should ensure that the dwellings built are for people with a local connection, in perpetuity, and cannot be sold on the open market. <p>I very much hope that the Cabinet of Rugby Borough Council will take account of these points and amend this Plan, where necessary.</p>			
Resident	<p>Object: Too many houses. Not enough social housing. Erosion of countryside. Even more traffic. Rugby is being ruined you cant have people all moving from bad towns to nice towns.</p>	<p>The housing requirements for Rugby Brough were considered in the Local Plan, which was subject to examination and was adopted in June 2019. The Housing Needs SPD 2020 seeks to support the delivery of affordable housing.</p>	None recommended	N/A
Inland Waterways Association	<p>The IWA (Warks branch) offers general support but it is not in our</p>	<p>Comments noted</p>	None recommended	N/A

	remit to comment on specific items of this nature.			
Nuneaton and Bedworth Borough Council	Thank you for consulting the Borough Council on the SPD. No comments to make on the documents at this juncture.	Comments noted	None recommended	N/A
Other amendments	Post-consultation updates to amend the date from '2020' to '2021'. Grammatical change to reflect date of anticipated adoption. Grammatical changes to Para 1.4 to reflect the end of the consultation.	Amend date from '2020 to 2021'	Amend date from '2020 to 2021'	2020 2020
Other amendments	SEA Screening Report	SEA Screening Report	SEA Screening Report	Appendix 2 – Strategic Environmental Assessment Screening Report TBC after consulting the consultation bodies. SEA Screening Report link tbc

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. For advice and support, contact:
Minakshee Patel
Corporate Equality & Diversity Advisor
minakshee.patel@rugby.gov.uk
Tel: 01788 533509

Equality Impact Assessment

Service Area	Development Strategy
Policy/Service being assessed	Draft Housing Needs Supplementary Planning Document 2021
Is this is a new or existing policy/service? If existing policy/service please state date of last assessment	This is a subsidiary document of the Rugby Borough Local Plan 2011-2031 that had its own EqlA as part of its statutory adoption process.
EqlA Review team – List of members	Ruari McKee – Development Strategy
Date of this assessment	19th May 2021
Signature of responsible officer (to be signed after the EqlA has been completed)	Ruari Mckee

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 or 01788 533509

Details of Strategy/ Service/ Policy to be analysed

<u>Stage 1 – Scoping and Defining</u>	
(1) Describe the main aims, objectives and purpose of the Strategy/Service/Policy (or decision)?	SPDs are planning documents which, once adopted, do not form part of the Development Plan but sit beneath the Local Plan. Their purpose is to provide additional detail and information to help guide comprehensive development. They are material considerations in the assessment of planning applications. This SPD will primarily support Local Plan policies H1-H6.
(2) How does it fit with Rugby Borough Council's Corporate priorities and your service area priorities?	The Housing Needs SPD 2020 will help achieve the following Council objectives: Promote sustainable growth and economic prosperity Enable residents to live healthy, independent lives Ensure residents have a home that works for them and is affordable
(3) What are the expected outcomes you are hoping to achieve?	That Cabinet agree to the Housing Needs SPD being forwarded to the 20 th July 2021 meeting of Full Council for adoption.
(4) Does or will the policy or decision affect: <ul style="list-style-type: none"> • Customers • Employees • Wider community or groups 	The Borough Local Plan is considered to benefit all groups with protected characteristics through increased provision of housing, employment and supporting infrastructure. The SPD will assist affordable housing negotiations and the delivery of affordable housing is considered to be beneficial for all groups.
<u>Stage 2 - Information Gathering</u>	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, e.g. 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 SPD is subsidiary to the Local Plan, so relies upon the extensive documentation already gathered for the Local Plan, which is available on the Council's website.		
(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?	A consultation on the Housing Needs SPD 2021 was undertaken between 10 th November and 22 nd December 2020. 15 responses to the consultation were received. Please see the Consultation Statement for an analysis of consultation representations. No comments were received relating to Equality.		
(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.	Please see above		
<u>Stage 3 – Analysis of impact</u>			
<p><u>(1)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?</p> <p>If yes, identify the groups and how they are affected.</p>	RACE No adverse or negative impacts identified	DISABILITY No adverse or negative impacts identified	GENDER No adverse or negative impacts identified
	MARRIAGE/CIVIL PARTNERSHIP No adverse or negative impacts identified	AGE No adverse or negative impacts identified	GENDER REASSIGNMENT No adverse or negative impacts identified
	RELIGION/BELIEF No adverse or negative impacts identified	PREGNANCY MATERNITY No adverse or negative impacts identified	SEXUAL ORIENTATION No adverse or negative impacts identified

<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>Assisting the delivery of affordable housing is likely to 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 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

Action	Lead Officer	Date for completion	Resource requirements	Comments

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

In addition, the SPD will be subject to annual review and updating if required.

Please annotate your policy with the following statement:

‘An Equality Impact Assessment on this policy was undertaken on 19th May 2021 and will be reviewed on 19th May 2022.’

Strategic Environmental Assessment Screening Report

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 Housing Needs Supplementary Planning Document (SPD) 2020 is the Rugby Borough Local Plan 2011-2031 (adopted June 2019).

The SPD has been 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.

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

<p>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 private projects on the environment, as amended by Council Directive 97/11/EC? (Article 3.2(a))</p>	<p>Yes</p>	<p>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.</p>
<p>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))</p>	<p>No</p>	<p>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.</p>
<p>Regulation 5 (5) Is the SPD sole purpose to serve national defence or civil emergency; a financial or budget PP or is it cofinanced under Council Regulations (EC) No's 1260/1999 or 1257/1999 (Article 3.8,3.9)</p>	<p>No</p>	<p>Not applicable</p>
<p>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)</p>	<p>No</p>	<p>(a) The SPD does not designate land for development. The effects of the allocations and use of land has been dealt with via the Sustainability Appraisal process associated with the Local Plan.</p>

		(b)The SPD does not propose minor modifications of an existing PP subject of the regulations.
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	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.

Criteria	Assessment	Significant environmental effect (positive or negative?)
1. The characteristics of plans and programmes, having regard to:		
(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 affordable housing. It adds detail to the framework for development set out in the Local Plan.	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	No

	documents and is in general conformity with the development plan.	
(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.	The Local Plan have been subject to a Sustainability Appraisal process.	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 compromise the objectives of higher level strategies.	No
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 of a site has started then the nature of the land will be changed and will not be reversible. 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	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	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.	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	No

	that the SPD does not allocate land for development and it is merely supplementary to Local Plan policy.	
(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 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.	No

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.

Agenda No 6

AGENDA MANAGEMENT SHEET

Report Title:	Adoption of Air Quality Supplementary Planning Document
Name of Committee:	Cabinet
Date of Meeting:	28 June 2021
Report Director:	Chief Officer for Growth and Investment
Portfolio:	Growth and Investment
Ward Relevance:	Borough-wide
Prior Consultation:	Draft was discussed at Planning Services Working Party (Feb 2020) before consideration by Cabinet (Mar 2020). Public consultation held on the Draft SPD for 6 weeks 9th March and 20th April 2020. Consultation was open to anyone who wished to provide comments. Statutory consultees and those on the Local Plan database were notified of the consultation via email or letter. The spread of coronavirus meant consultation did not close in April. In October 2020 all parties were notified that the consultation would formally close on 20th November 2020, giving them a further four weeks. Responses to consultation were considered by both Climate Emergency Working Party and Planning Services Working Party (both March 2021).
Contact Officer:	Peter Heath Principal Planner Officer Development Strategy 01788 533735
Public or Private:	Public
Report Subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	Yes
Corporate Priorities:	This report relates to the following priority(ies): <input checked="" type="checkbox"/> To provide excellent, value for money services and sustainable growth <input type="checkbox"/> Achieve financial self-sufficiency by 2020 <input checked="" type="checkbox"/> Enable our residents to live healthy, independent lives
(CR) Corporate Resources	
(CH) Communities and Homes	
(EPR) Environment and Public Realm	
(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:

Rugby Borough Council Local Plan 2011-2031 (Adopted June 2019), contains Policy HS5 which specifically commits the Council to producing this SPD to assist with the implementation of this policy.

Summary:

This SPD has been subject to public consultation in accordance with Regulations 11-16 of the Town and Country Planning Regulations 2012, NPPF 2019 and the Council's Statement of Community Involvement (Sept 2020) and has been carried forward with representations received and considered. A final version of the SPD has now been prepared and is the subject of this report. This report recommends to Cabinet that it recommends that Council adopts Air Quality Supplementary Planning Document.

Financial Implications:

Adoption of the Air Quality SPD will enable the Council to implement policy HS5 which will assist with managing air quality issues, particularly within the Air Quality Management Area and major development.

Risk Management Implications:

A risk assessment has been completed and documented. The key risks relate to legal challenge, non-adoption and incorrect content. Appropriate arrangements are in place to manage these risks.

Environmental Implications:

The SPD sets out how to mitigate factors relating to air quality in applying policy HS5 and this has consequential air quality benefits for the environment.

The AQ SPD has also been subject to a Strategic Environmental Assessment (SEA) Screening Report which concluded that SEA was not required. The SEA Screening Report is included in the SPD at Appendix 5.

Legal Implications:

The AQ SPD is specifically referred to in the supporting text of Policy HS5 of the Rugby Borough Council Local Plan 2011-2031 (Adopted June 2019).

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 (LDS) and the Council's Statement of Community Involvement (SCI) as amended by the coronavirus regulations.

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 further consultation, it is recommended that the Council adopt the Air Quality SPD as modified to take account of representations received.

As per the SCI the AQ SPD must be adopted by a resolution of full Council.

Equality and Diversity:

An Equality Impact Assessment on the AQ SPD was undertaken in January 2020 and has been reviewed and updated. The Equality Impact Assessment is provided as Appendix 3 to this report.

Options:

Option 1 – Cabinet recommends that Council adopts the AQ SPD as set out in this report.

Option 2 – Cabinet recommends that the content of the AQ SPD is reconsidered.

Option 3 – Cabinet recommends that the AQ SPD is not adopted and take no further action towards adoption of the SPD.

Option 2 (reconsider SPD) would result in the Council having less control over the way that planning applications

are dealt with in air quality terms whilst the content of the SPD is progressed.

Option 3 (No AQ SPD) would result in the Council having limited control over air quality matters when planning applications come forward.

Recommendation:

IT BE RECOMMENDED TO COUNCIL THAT -

- (1) the Air Quality Supplementary Planning Document be adopted;
- (2) the Air Quality SPD be published on the Council's website with the adoption statement made available and be sent to any person who has asked to be notified of the adoption of the SPD; and
- (3) delegated authority be given to the Chief Officer for Growth and Investment to make minor grammatical and presentational amendments as necessary to the Air Quality SPD either prior to or following adoption, and prior to it being published.

Reasons for Recommendation:

To ensure the adoption of the SPD to enable delivery of the air quality objectives in accordance with Policy HS5 and SDC1 of the Adopted Rugby Borough Council Local Plan 2011-2031.

Cabinet - 28 June 2021

Adoption of Air Quality Supplementary Planning Document

Public Report of the Chief Officer for Growth and Investment

Recommendation

IT BE RECOMMENDED TO COUNCIL THAT -

- (1) the Air Quality Supplementary Planning Document be adopted;
- (2) the Air Quality SPD be published on the Council's website with the adoption statement made available and be sent to any person who has asked to be notified of the adoption of the SPD; and
- (3) delegated authority be given to the Chief Officer for Growth and Investment to make minor grammatical and presentational amendments as necessary to the Air Quality SPD either prior to or following adoption, and prior to it being published.

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 SPDs must be prepared in accordance with the Council's Local Development Scheme (LDS) (Section 19(1) of the Planning and Compulsory Purchase Act 2004) and the Council's Statement of Community Involvement (SCI) (Section 19(3) of the Planning and Compulsory Purchase Act 2004). The SCI 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.
- 1.3 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; and
 - c) How those issues have been addressed in the SPD.

- 1.4 Any person can make representations about an SPD. The representations must be received by the Council by the date it specifies.
- 1.5 These consultation requirements are set out in Regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.6 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.
- 1.7 It is important to note that as per the SCI, an SPD must be adopted by resolution of full Council.
- 1.8 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.
- 1.9 An SPD can be revised at any time; however, the Council must revise an SPD if required by the Secretary of State.

2. BACKGROUND

- 2.1 The Rugby Borough Council Local Plan 2011-2031 (adopted June 2019) (the "Local Plan") contains Policy HS5 and SDC1.
- 2.2 HS5 relates to mitigating the impact of traffic in relation to noise, vibration and air quality. In the supporting text to the policy at paragraph 8.20 the Local Plan states "*The Council will be producing an Air Quality Supplementary Planning Document (SPD) which will assist in the determination of planning applications in line with the NPPF. Development proposals will be considered with regard to the Council's Air Quality SPD, including where necessary undertaking an Air Quality Assessment and appropriate mitigation.*" This SPD fulfils that commitment. Policy HS5 relates to all major development throughout the borough, and both major, minor and householder development that generates new floorspace within the Air Quality Management Area, which includes the urban area of Rugby and Dunchurch.

- 2.3 Air quality impacts not covered by policy HS5 are covered within policy SDC1 of the adopted plan relating to Sustainable design. This can be for development that is outside of the AQMA but is not a major, such as, for example a biomass boiler. A key element of this policy is to ensure that; *“proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.”* The SPD sets out how air quality impacts will be assessed so that developers will know what will be expected of them. It raises the profile of air quality as an issue that needs to be addressed so that developers are aware the Council will be expecting them to address the issue as a key consideration for their development. It sets out a number of mitigations developers can employ to mitigate the harm their scheme would cause. The mitigations are not meant to be prescriptive, innovative solutions that address the problem would not be discouraged by the Council just because it is not in the list of possible mitigations set out in the SPD.
- 2.4 Following approval by Cabinet on 2nd March 2020, the draft Air Quality Supplementary Planning Document (AQ SPD) was made available for public consultation for six weeks until 20th April 2020. However, during this time the country was impacted by the coronavirus pandemic and consultation did not formally close on the 20th April. By 23rd October 2020 those on the consultation database were re-contacted informing them that the consultation would close in a further four weeks’ time on 20th November 2020. This means that in total, the SPD was out for consultation for 37 weeks.
- 2.5 In total, comments were received from 18 stakeholders resulting in several amendments to the draft SPD. A final version of the SPD has now been prepared and is included at Appendix 1. The amendments made to the draft SPD because of the consultation are summarised in the Consultation Statement at Appendix 2. An Adoption Statement to be issued in the event the SPD is adopted is included at Appendix 4. This report recommends that the Air Quality SPD is adopted for use in the determination of relevant planning applications.
- 2.6 Assessing air quality issues and setting out appropriate mitigations can be a highly technical issue. Given its technical nature the SPD is not an ‘easy read’ this reflects the complexity of the issues it is seeking to address. The bulk of the recommended changes to the SPD reflect the desire to make the SPD more user-friendly, more accessible which should, in turn, mean it will be used more often to help deliver air quality mitigations.

3. AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT CONSULTATION

- 3.1 Planning Services Working Party was engaged during the production of the SPD and considered a draft version of the SPD (February 2020) prior to public consultation. Once consultation had closed the results were discussed with Climate Emergency Working Party and Planning Services Working Party (both March 2021).

- 3.2 Representations received as part of the consultation were carefully considered and the AQ SPD was amended. A Consultation Statement is appended to this report at Appendix 2. This summarises the issues raised during the consultation process and the actions taken in response.

4. IMPLICATIONS

- 4.1 The Equality Impact Assessment (Appendix 3 to this report) shows no negative impacts on any of the people who share a protected characteristic.
- 4.2 Being able to impose measures on future developments, to help mitigate the impacts the poor air quality would help everyone. People with protected characteristics often have more health problems than those without, trying to address the problems of poor air quality may have a positive impact on those people who share a protected characteristic.
- 4.3 The AQ SPD has also been subject to a Strategic Environmental Assessment (SEA) Screening Report which concluded that a SEA was not required. The SEA Screening Report is included in the SPD at Appendix 5.
- 4.4 The Air Quality SPD is part of a wider suite of guidance to support air quality management (including the Air Quality Management Area) and the climate emergency, including workstreams emerging from Climate Emergency Working Group, specific public transport interventions including those that are part of the Town Centre Spatial Strategy. Also, the SPD will complement the role of Rugby as a consultee to the Local Transport Plan, the role of Rugby in relation to Coventry's emerging proposals for Very Light Rail and other sub-regional public transport initiatives.

5. CONCLUSION

- 5.1 In accordance with the adopted Local Plan Policy HS5, the Council is required to produce the Air Quality SPD to inform proposals to address the long-standing issues around air quality. The AQ SPD has had the input of the public and other stakeholders in accordance with the relevant Regulations and SCI and has been carried forward with representations received and considered.
- 5.2 A final version of the AQ SPD has now been prepared and is the subject of this report. It is recommended that the AQ SPD is adopted by Council, for it to become a material consideration in any forthcoming applications. The AQ SPD would be in force immediately after any decision to adopt. Cabinet is requested to agree that the Air Quality SPD is forwarded to Council for adoption.

Name of Meeting: Cabinet

Date of Meeting: 28 June 2021

Subject Matter: Air Quality Supplementary Planning Document Adoption

Originating Department: Growth and Investment

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

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink
1	Appendix 1 AQ SPD Final
2	Air Quality SPD Consultation Statement
3	Air Quality Equality Impact Assessment.
4	Air Quality SPD Adoption Statement
5	Air Quality SPD SEA Screening
	Rugby Borough Local Plan https://www.rugby.gov.uk/directory_record/935/local_plan

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

Air Quality
Supplementary Planning Document

July 2021

Context

It is Rugby Borough Council's intention to prepare and keep up to date a series of Supplementary Planning Guidance (SPG) Notes which will provide detailed guidance on a range of development issues and topics.

The purposes of these SPG Notes are:

- To assist the public and their agents in preparing planning proposals and to guide them in discussions with officers prior to the submission of planning applications, specifically in relation to the interpretation of policy HS5 of the Local Plan which relates to air quality, noise and vibration;
- To guide officers in handling, and officers and councillors in deciding, planning applications, and
- To assist Inspectors in the determination of appeals.

The overall aim is to improve the quality of new development and facilitate a consistent and transparent approach to decision making.

This guidance has been developed in co-operation between Coventry City Council, Coventry & Warwickshire Public Health, Nuneaton and Bedworth Borough Council, Rugby, Stratford District Council and Warwick District Council.

This guidance supersedes the air quality guidance previously adopted within section 7 of the 'Planning Obligations – Supplementary Planning Document – March 2012' (other sections of this document that do not relate to air quality remain extant). It will be adopted at a meeting of Full Council on the 20th July 2021.

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1 Glossary

Air Quality Assessment (AQA)	An assessment of the impact of a development on the levels of certain pollutants in the local area and the impact of pollution levels on future occupants.
Air Quality Management Areas (AQMAs)	Areas where the air quality objectives are likely to be exceeded. Declared by way of an order issued under the Section 83(1) of the Environment Act 1995.
Air Quality Neutral	Emissions from the development proposal being no worse, if not better, than those associated with the previous use.
Air Quality Objectives	Air quality targets to be achieved locally as set out in the Air Quality Regulations 2000 and subsequent Regulations. Objectives are expressed as pollution concentrations over certain exposure periods, which should be achieved by a specific target date. Some objectives are based on long term exposure (e.g. annual averages), with some based on short term objectives. Objectives only apply where a member of the public may be exposed to pollution over the relevant averaging time.
Clean Air Zones (CAZ)	Zone implemented by a local authority setting nationally set emission standards for vehicles. Non-charging zones can be implemented through policies covering bus and taxi emissions. Charging zones require non-compliant lorries and possibly vans to pay a charge to enter the zone.
Commercial uses	Commercial organisations and activities are concerned with making money or profits, rather than, for example, with scientific research or providing a public service.
Damage costs	Damage costs are a simple way to value changes in air pollution. They estimate the cost to society of a change in emissions of different pollutants
Environmental Impact Assessment (EIA)	Assessment required for projects specified in Environmental Impact Assessment Directive. Governed by the Town & Country Planning (Environmental Impact Assessment) Regulations 2017.
EU Limit Value	Legally binding pollutant concentration limit on Governments of EU Countries.
Euro Standards	European Emission Standard (progressively tightened emission standards for vehicles. Euro Standards for cars and small vans are stated in Hindu-Arabic numbers and HDVs in Roman numerals).
Exceedance	Concentrations of a specified air pollutant greater than the appropriate Air Quality Objective.
HDV	Heavy duty vehicle (lorry or bus greater than 3.5 tonnes gross vehicle weight).
LAQM.TG(16)	Local Air Quality Management Technical Guidance (2016). This document provides national advice on how local authorities should assess air quality.
Low Emission Strategy (LES)	Overarching council strategy to integrate policies and practices to achieve year on year vehicle emission reductions, optimising opportunities for national funding assistance.
Low Emission Zone (LEZ)	Council area in which emission standards apply for either road transport vehicles or power generation/industrial emissions. The council can set emission standards that differ in standard and scope

	from the Government requirements for implementing Clean Air Zones for vehicles.
LDV	Light duty vehicle (car or small van less than 3.5 tonnes gross vehicle weight).
Limit Values/EU limit values	The maximum pollutant levels set out in the EU Daughter Directives on Air Quality. In some cases the limit values are the same as the national air quality objective, but may allow a longer period for achieving.
Mitigation	Mitigation measures will minimise, but not necessarily remove, the impact of or effect of poor air quality on a development.
National Air Quality Objectives	See Air Quality Objectives.
National Air Quality Plan	Government Plan to improve roadside concentrations of nitrogen dioxide (July 2017).
NO ₂	Nitrogen dioxide
NO _x	NO _x = nitrogen oxides, which includes nitric oxide and nitrogen dioxide. Most pollution sources emit nitrogen oxides primarily as nitric oxide. However, once in the atmosphere nitric oxide can be converted to nitrogen dioxide. Therefore, it is important to know the concentrations of both NO _x and NO ₂
Offsetting	Measures which 'compensate' for anticipated increases in pollution in the area but not necessarily at the exact locality. This might be for example by funding more general measures in the air quality action plan.
PM	Particulate matter.
PM _{2.5}	Particulate matter with a diameter of 2.5 microns or less.
PM ₁₀	Particulate matter with a diameter of 10 microns or less.
Part A1 and A2 Processes	Industrial processes which are regulated under the Pollution Prevention and Control (PPC) Regulations and subsequent Integrated Pollution Prevention and Control (IPPC) for emissions to all media (i.e. atmosphere, land and water).
Part B Processes	Industrial processes which are regulated under the Local Air Pollution Control (LAPC) and Local Air Quality Pollution Prevention and Control (LAPPC) Regulations for emissions to air only.
Point sources	Chimneys.
Polluting development	A development which will directly or indirectly increase levels of relevant pollutants. This may include industrial processes but may also include developments which could cause increased traffic emissions. These types of development may increase pollution concentrations.
Sensitive development	A development which would allow users of the site to potentially be exposed to pollutants above the objective for the relevant period. For example, the introduction of a new residential development into an area where an air quality objective is already exceeded, would create the potential for the exposure of residents to poor air quality above the objective. Incidentally, this type of development may also generate significant additional traffic flow and also be a polluting development.

2 Introduction

- 2.1 Supplementary Planning Documents (SPD) are produced by Local Planning Authorities (LPA) to build upon and provide more detailed advice on the policies contained in a Local Plan. Specifically, they can add detail regarding any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land as indicated in a Local Plan. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan. They do not introduce new policy.
- 2.2 The requirements for producing SPDs are set out in Regulations 11 to 16 of the Town and Country Planning Regulations 2012 and the National Planning Policy Framework 2019. This SPD has been prepared in accordance with these regulations and guidance.
- 2.3 This Supplementary Planning Document aims to provide guidance based on relevant Local Plan policies and explain the consideration of air quality impacts associated with development proposals. A key focus relates to the mitigation of impacts of air quality, particularly countering the cumulative impacts of aggregated developments, and providing clarity to developers as to how the policy requirements can translate into acceptable mitigation.
- 2.4 The objectives of this SPD / Guidance are to:
 - Improve the consideration of air quality impacts in the planning process, in line with the NPPF, Planning Practice Guidance (PPG) and the Rugby Local Plan.
 - To help ensure consistency in the approach to dealing with air quality issues in planning applications across the Borough;
 - Explain how and when policy HS5 in particular is applied, and the mitigation requirements to achieve development that is compliant.
 - Identify the circumstances where detailed assessments will be required as part of planning applications when establishing baseline conditions when a development is not air quality neutral;
 - To provide guidance on measures that can be implemented to mitigate the potentially harmful impacts of new developments on air quality in line with policy HS5;
 - To promote the identification of suitable mitigation on development within the AQMA, either as part of planning applications or through pre-application discussions;
 - To provide guidance on the use of planning conditions in relation to policy HS5.

3 National Planning Policy Context

3.1 National planning policy is set by the National Planning Policy Framework (NPPF)¹. The NPPF places a general presumption in favour of sustainable development, stressing the importance of local development plans.

3.2 There are numerous regulatory regimes that affect air quality. This SPD is not intended to deal with wider air quality issues that affect Rugby that are outside of the planning system, such as the control of vehicle emissions of public transport, for example. This guidance is solely relating to the interpretation of policy HS5 of the Local Plan, and how this is interpreted in dealing with planning applications within the current UK planning regime. This scope is within the context of the National Planning Policy Framework (February 2019) in paragraph 183 emphasises that:

'the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'

3.3 The NPPF goes on to state in paragraph 181 that:

'planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'

3.4 The following paragraphs within the NPPF recognise the impact of traffic on air quality and health and the benefits of sustainable transport modes:

- Paragraph 102. *'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*
 - a) the potential impacts of development on transport networks can be addressed;*

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.'

- Paragraph 103. *'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'*

- Paragraph 110. *'applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use...
e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'*

- Paragraph 111. *'All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'*

3.5 National Planning Practice Guidance (NPPG)² provides advice to planning authorities on implementing the NPPF, this includes further guidance on how air quality can be considered as part of the planning process.

3.6 NPPG states that *‘Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.*

Where air quality is a relevant consideration the local planning authority may need to establish:

- *the ‘baseline’ local air quality, including what would happen to air quality in the absence of the development;*
- *whether the proposed development could significantly change air quality during the construction and operational phases (and the consequences of this for public health and biodiversity); and*
- *whether occupiers or users of the development could experience poor living conditions or health due to poor air quality.’*

3.7 The NPPG also contains steps a local planning authority might take in considering air quality are set out in a flow diagram which is available to view here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841149/Air_Quality_flowchart.pdf.

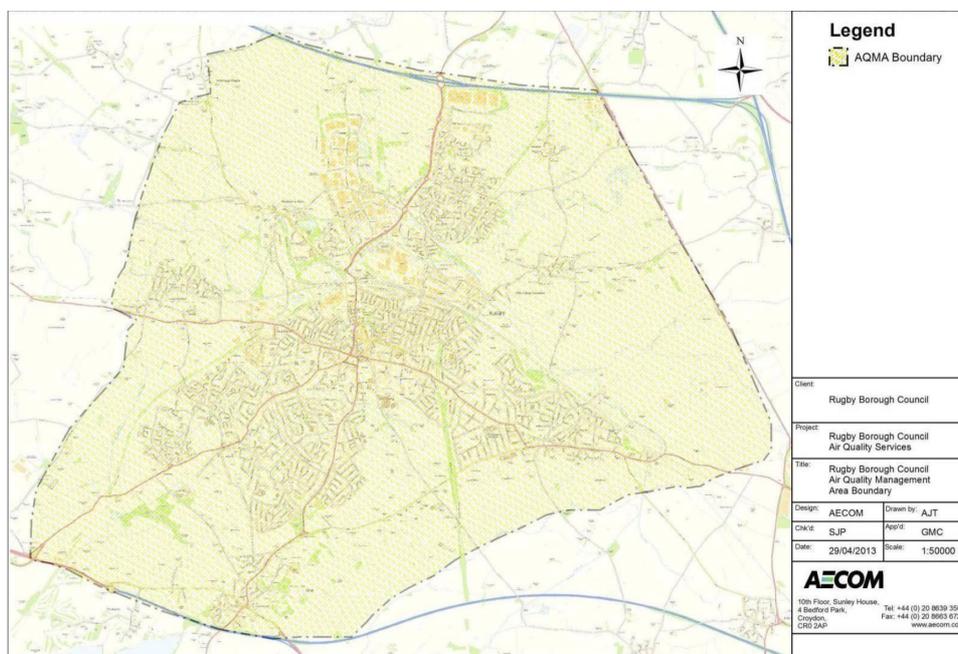
² <https://www.gov.uk/government/collections/planning-practice-guidance>

3.8 The NPPG also suggests the following could form part of air quality assessments:

- a description of baseline conditions and any air quality concerns affecting the area, and how these could change both with and without the proposed development;
- sensitive habitats (including designated sites of importance for biodiversity);
- the assessment methods to be adopted and any requirements for the verification of modelling air quality;
- the basis for assessing impacts and determining the significance of an impact;
- where relevant, the cumulative or in-combination effects arising from several developments;
- construction phase impacts;
- acceptable mitigation measures to reduce or remove adverse effects; and
- measures that could deliver improved air quality even when legally binding limits for concentrations of major air pollutants are not being breached.

4 Local Air Quality

- 4.1 Air Quality Management Areas (AQMAs) are declared when there is an exceedance or likely exceedance of an air quality objective. After declaration, the authority must prepare an Air Quality Action Plan (AQAP) annually setting out measures it intends to put in place in pursuit of compliance with the objectives.
- 4.2 Rugby Borough Council declared an Air Quality Management Area (AQMA) in 2004 for exceedances of the annual mean NO₂ objective. This area covers the whole urban area of Rugby bounded by the southern boundary with Daventry District Council, the A5, M6, minor roads to the west of Long Lawford, A45 and M45 (https://uk-air.defra.gov.uk/aqma/details?aqma_ref=267#109).
- 4.3 Rugby's Air Quality Action Plan is focussed upon nitrogen dioxide. The AQMA also identifies that the urban area is also a Smoke Control Area preventing smoke from chimneys caused by the burning of unauthorised fuel or the use of an unauthorised appliance.



Map 1 – Rugby (Urban Area) Air Quality Management Area (AQMA)

- 4.4 Local authorities are expected to work towards reducing emissions and/or concentrations of PM_{2.5} (particulate matter with an aerodynamic diameter of 2.5µm or less). There is clear evidence that PM_{2.5} has a significant impact on human health, including premature mortality, allergic reactions, and cardiovascular diseases.
- 4.5 Between 2011-15, Rugby has been below the national average for the Public Health Framework Indicator, 'Fraction of mortality attributable to particulate air pollution'. However in 2016, the fraction value increased markedly from 4.6% to 5.5% and was higher than the national average (5.3%) for that time⁶. In 2017, the fraction value decreased to 5.0% and was below the national average of 5.1%.

- 4.6 This trend is not dissimilar to the neighbouring councils; Coventry, Warwick and Stratford-on-Avon, with all councils experiencing the peak in 2016. Since 2011, Rugby remains to have higher fraction values than Stratford-on-Avon but below that of Warwick and Coventry. With Coventry Council having fraction values higher than the national average.
- 4.7 Public Health Coventry (Coventry City Council) and Public Health Warwickshire (Warwickshire County Council) have established the joint Arden Health Protection Committee. Included in the members are Environmental Health managers in Warwickshire and Coventry comprising representatives from Public Health England, NHS, Public Health Coventry, Public Health Warwickshire and local authority Environmental Health officers.
- 4.8 Rugby Borough Council have worked alongside Coventry and Warwickshire Air Quality Alliance to implement the Air Quality objectives of the Health Protection Strategy 2017-2021. The success of this strategy and the measures it proposes will be demonstrated by reductions in ambient concentrations of NO₂ and PM_{2.5}, reductions in the use of private cars for short journeys and increased development and use of cycle ways.
- 4.9 Rugby Borough Council are currently identifying strategies for reducing levels of PM_{2.5}. The Local Plan and this SPD plays a key role in ensuring that future development of the area aims to reduce levels of particulate matter (PM₁₀) and is one of a number of Council strategies which aims to improve air quality.

Air Quality Assessment Local Plan evidence base.

- 4.10 Part of the development of the Local Plan key evidence considered the potential impacts of the proposed development on air quality. This involved transport modelling that assessed the planned growth as part of the Local Plan on a borough wide basis up until 2031, known as the Strategic Transport Assessment 2017, using a PARAMICS Rugby Wide Area modelling assessment. This is available here:
[file:///rugby.internal/shares/homedrives/simmom/Downloads/Strategic Transport Assessment June 2017 .pdf](file:///rugby.internal/shares/homedrives/simmom/Downloads/Strategic%20Transport%20Assessment%20June%202017.pdf)
- 4.11 A subsequent piece of evidence was produced which extracted the data and analysed the air quality effects of the growth using a Paramics Analysis of Instantaneous Road Emissions. This is available here:
[file:///rugby.internal/shares/homedrives/simmom/Downloads/OTH07 Rugby Air Quality Assessment%20\(1\).pdf](file:///rugby.internal/shares/homedrives/simmom/Downloads/OTH07%20Rugby%20Air%20Quality%20Assessment%20(1).pdf)
- 4.12 The air quality assessment focussed upon the most congested areas of the Rugby Wide Area model which included;
- Dunchurch Crossroads
 - Rugby Gyrotory
 - Leicester Road Corridor
 - Hillmorton Road/Whitehall Road

- 4.13 The modelling reveals that there will be significant increases in emissions in future years as result of the volumes of trips associated with the growth predicted as part of the Local Plan, with congestion on the network increasing. The areas identified have resulted in the development of the Infrastructure Delivery Plan which identifies the parts of the network that require improvements that will benefit air quality. In response to the key issue of air quality the Local Plan has developed policies to ensure all future development mitigates any future impacts.

5 Local Plan

- 5.1 Rugby Borough Council adopted the Local Plan on 4th June 2019. In order to minimise the air quality impacts of SDC1 of the adopted plan relates to Sustainable design. A key element of this policy is to ensure that; *“proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.”* It is explained in the supporting text that developers should consider the impact of environmental factors such as high noise areas, areas of low air quality and contaminated land to ensure such sensitive sites achieve relevant statutory compliance/current best practice guidance and that a high level of sustainable design is achieved.
- 5.2 Policy HS5 of the adopted plan relates to Traffic Generation and Air Quality. The main aim of the policy is to promote sustainable development in order to minimise the impacts upon air quality. The focus of the policy is on both large sites above 1,000 square metres or 10 or more dwellings, and any development that generates new floorspace within the Air Quality management area. These two categories of development are likely to have the greatest impact upon air quality that would most likely require mitigation. The Council will support developments that are air quality neutral. If they are not air quality neutral it is necessary to mitigate their impacts.

Policy HS5: Traffic Generation and Air Quality, Noise and Vibration

Development proposals should promote a shift to the use of sustainable transport modes and low emission vehicles (including electric/hybrid cars) to minimise the impact on air quality, noise and vibration caused by traffic generation.

Proposals should be located where the use of public transport, walking and cycling can be optimised.

Proposals should take full account of the cumulative impact of all development including that proposed in this Local Plan on traffic generation, air quality, noise and vibration. Development proposals should complement the Air Quality Action Plan.

Development throughout the Borough of more than 1,000 sqm of floorspace or 10 or more dwellings or development within the Air Quality Management Area (see Appendix 8) that would generate any new floorspace must:

1. Achieve or exceed air quality neutral standards; or
2. Address the impacts of poor air quality due to traffic on building occupiers, and public realm or amenity space users by reducing exposure to and mitigating their effects, proportionate to the scale of the development. This can be achieved using design solutions that include:
 - Orientation and layout of buildings, taking into account building occupiers, public realm and amenity space users;
 - Appropriate abatement technologies; and
 - Urban greening appropriate for providing air quality benefits.
3. Where air quality neutral standards are not met, measures to offset any shortfall will be required, according to the following hierarchy:
 - On-site measures; then
 - Off – site measures; then
 - Financial contributions.
4. Address the adverse impacts of noise and vibration on existing and future occupiers and users of the public realm.

Air Quality Neutral

- 5.3 Developments that are air quality neutral will help to minimise air pollution within the AQMA. Policy HS5 aims to ensure that air quality neutral development is supported, whilst ensuring that development that has an impact upon air quality within the AQMA (or major developments that would affect the AQMA) are appropriately mitigated.
- 5.4 **The definition of air quality neutral is defined as emissions from the development proposal being no worse, if not better, than those associated with the previous use.**
- 5.5 In addition to HS5, Policy D1 of the adopted plan relates to transport and the need for transport assessments.

6 Development Classification, Assessment and Mitigation

6.1 The assessment of air quality for relevant planning applications should follow a three-stage process:

1. Determining the classification of the development proposal;
2. Key Assessment criteria and quantifying the impact on local air quality;
3. Determining the level of a mitigation required by the proposal to make the scheme acceptable and policy compliant with HS5 including an assessment of whether the development is considered to be air quality neutral.

Stage 1 - Determining the classification of the development proposal

6.2 Different levels of development will require different approaches to assessing the impact on air quality. Tables 2 and 3 list the types of mitigation required. These are divided up into Type 1 and Type 2 Mitigation measures.

6.3 Policy HS5 sets a threshold for developments differentiating the requirements in terms of air quality mitigation. These are defined as:

- Development throughout the Borough of 10 units or more, or if above 1000 square metres.
- All development within the Air Quality Management Area that would generate any new floorspace;

6.4 The classification of development proposals in terms of their likely impacts upon air quality is shown in table 1.

Table 1 – Air quality classification of developments

Some development falls outside of policy HS5, some falls within it and needs to comply with the policy. The following table classifies the difference:

Scheme Type	Does HS5 apply or not?	Type of Mitigation	Notes
Development below 10 units or 1000 square metres floorspace which is outside the AQMA (regardless of whether or not it generates new floorspace)	Policy HS5 does not apply	No mitigation required*	There are some types of development, such as Biomass boilers, that will require air quality considerations as part of SDC 1. These types of development are explained within section 7.
Development below 10 units or 1000 square metres which generates new floorspace and is inside the AQMA	Policy HS5 applies	Type 1 Mitigation	<p>Extensions to existing dwellings may not require mitigation if no new boilers are included as part of the scheme as a whole.</p> <p>Annexes to dwellings which require their own heating would require mitigation.</p> <p>Changes of use/new uses from an empty shell would require mitigation if new/upgraded heating is included as part of scheme.</p> <p>Extensions to existing uses would require mitigation if new/upgraded heating is required due to the increase in floorspace.</p>
Development below 10 units or 1000 square metres which does not generate new floorspace inside the AQMA	Policy HS5 does not apply	No mitigation required	
Development above 10 units or 1000 square metres (regardless of whether or not it is inside or outside the AQMA)	Policy HS5 applies	Type 1 and Type 2 mitigation required. If NRMM used as part of scheme, Table 4 applies	

*A standard informative encouraging the take up of ultra low emission boilers and other associated measures will be added to planning permissions.

Stage 2 - Air Quality Impact Assessment Key Assessment Criteria and quantifying the impact on air quality.

Additional floorspace within an AQMA below 10 units or 1,000 sq.metres

- 6.5 Smaller development proposals may not in themselves create a significant air quality problem but may add cumulatively to local air pollution and potentially introduce more people likely to be exposed to existing levels of poor air quality. Even if car free, smaller developments could affect the AQMA by introducing additional gas boilers as part of the development. If the proposal is within the AQMA and generates new floorspace, mitigation measures may be required in line with Type 1 mitigation listed in Table 2 in this document. If the proposal does not involve the creation of new floorspace, or does not introduce new gas boilers, mitigation may not be required as part of the policy.
- 6.6 Policy HS5 states that additional floorspace within the AQMA must achieve or exceed air quality neutral standards or provide appropriate mitigation measures. The definition of air quality neutral is defined as emissions from the development proposal being no worse, if not better, than those associated with the previous use.
- 6.7 Further information may also be sought by the Commercial Regulation Team and there may be the requirement to undertake an exposure assessment. The outcome of the exposure assessment, which is explained in below, will determine the level of mitigation required to make the development acceptable.

Additional floorspace outside of the AQMA below 10 units or 1000 square metres.

- 6.8 Some types of development may not be classified as major development and may not be located within the AQMA. These types of development may still have an impact on air quality, by virtue of their type and location in relation to areas of air quality exceedance or due to the very nature of their use. Examples include new residential floorspace in areas of high exceedance such as in proximity to the Gyrotyory or Dunchurch Crossroads, or Biomass boilers. These types of schemes will primarily be determined in accordance with policy SDC 1, rather than HS5, which requires that: “proposals for new development will ensure that the living conditions of existing and future occupiers are safeguarded, and that “proposals for housing and other potentially sensitive uses will not be permitted near to or adjacent [to] sites where there is a potential for conflict between uses....Such proposals must be accompanied by supporting information demonstrating that the existing use and proposed uses would be compatible and that the proposal has addressed any potential effects of the existing use on the amenity of the occupiers of the proposed development.”
- 6.9 This includes air quality and the impacts upon existing or future occupiers and such proposals may need a bespoke air quality assessment and mitigation which is likely to be site specific. Further information may be sought from the Commercial Regulation Team as to the exact form of the air quality assessment required.

Development of 10 dwellings or more or above 1000 square metres throughout the Borough

- 6.10 Schemes that meet the above threshold are unlikely to be air quality neutral. They will therefore require mitigation. It is recommended that early pre-application discussions are undertaken to consider the Council's requirements.
- 6.11 The scale and nature of a proposed development, together with its proximity to areas of air quality exceedances within the borough, particularly the Gyrotory and Dunchurch Crossroads may mean that a detailed air quality assessment will be required to determine impacts, especially if required as a result of non-planning air quality regulations. Not all major schemes will require an air quality assessment as a result of their location, for example, if they are remote from air quality exceedance locations or if they are car free. Air quality assessments only measure vehicle trip emissions as a result of developments, not on-site emissions from gas boilers. Policy HS5 requires major development to be either air quality neutral, or to mitigate their impacts. An Air Quality Assessment may be a useful tool to contribute to this process, but it would not be the sole determining factor in meeting the policy as consideration of local on-site non car emissions is also required to be taken into account when considering mitigation. Further information on the specification of an air quality assessment can be obtained from the Council's Commercial Regulation Team and in Appendix 1.
- 6.12 All major development is assumed not to be air quality neutral unless proven otherwise in comparison with the previous lawful use which may have been a higher polluting use (providing the use has not been abandoned). In demonstrating air quality neutrality, calculations such as the most recent DEFRA Emissions Factor Toolkit to estimate the additional pollutant emissions from a proposed development and the latest DEFRA IGCB Air Quality Damage Costs for the specific pollutant of interest, to calculate the resultant damage cost may be required. The damage costs associated with the existing/lawful development and the proposed development should be clear to assist development management officers in assessing the overall impacts on air quality arising from the development.
- 6.13 A comparison of emissions from the proposed development with those associated with the previous use of the site and how the proposed mitigation measures aim to ensure that the development achieves air quality neutral would be a further consideration. Evidence must be provided to demonstrate emissions from the development being no worse, if not better, than those associated with the previous use would be required.
- 6.14 Development management officers may use the DEFRA emissions factor toolkit in considering the appropriate scale and kind of mitigation that is required to make certain major schemes acceptable in terms of air quality. The overall benefit of the scheme will be taken into account in making the site acceptable³.
- 6.15 The DEFRA emissions factor toolkit calculation process includes:
- Identifying the additional trips generated by the proposal (from the Transport Assessment);

³ <https://www.gov.uk/guidance/air-quality-economic-analysis>

- The emissions calculated for the pollutants of concern (NO_x and PM₁₀) [from the Emissions Factor Toolkit];
- The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);
- The result is totalled for a five-year period to enable mitigation implementation.

6.16 The calculation is summarised below. Further information can be obtained from the Commercial Regulations Team. **Should there be no net increase in trips arising from a development scheme then the damage costs are zero.** Further information on damage costs can be found in Appendix 2. Whilst there may be no damage costs associated with vehicle trips, local on-site air quality impacts will still require mitigation, most likely in line with Type 1 mitigation, which would principally include the need for ultra-low emission boilers.

Road Transport Emission Increase =
 $\Sigma[\text{Estimated trip increase for 5 years} \times \text{Emission rate per 10 km per vehicle type} \times \text{Damage Costs}]$

6.17 All Air Quality Assessments received will be assessed by the Council against the requirements of this Supplementary Planning Guidance and any relevant non-planning air quality regulation requirement. If the requirements are not met, the Council may request that the applicant carries out the assessment again.

6.18 Where air quality neutral is not achieved, measures to offset any shortfall will be required, proposals would need to mitigate their effects, proportionate to the scale of development.

6.19 If the impacts of the development cannot be successfully mitigated, where air quality neutral are not met, measures to offset any shortfall will be required according to:

- on site measures
- off site measures
- financial contributions.

Stage 3 - Mitigation

6.20 Where mitigation is not integrated into a proposal, we will require this through planning conditions. The NPPF (paragraph 152) states that “where adequate mitigation measures are not possible, compensatory measures may be appropriate”. On-site measures will be mitigated through planning conditions. Where is not possible then Rugby Borough Council will seek off site measures for the identified air quality impacts through a section 106 agreement or similar agreement.

6.21 Default mitigation measures are presented for each type of proposal that demonstrate a minimum requirement. Tables 2-4 below set out various suggested forms of mitigation. This is not an exhaustive list but a suggested suite of measures and will be adapted for particular locations and needs identified by the Council. We welcome the opportunity to work with developers to devise innovative measures that will lead to improving local air quality. Due to elevated concentrations of particulate

matter in the Borough, when development involves the use of non-road mobile machinery, developments will be required to implement suitable abatement controls for the use of non-road mobile machinery (NRMM); the mitigation for this type of development is listed in Table 4.

Table 2 - Type 1 forms of Mitigation

Plug-in Vehicle Re-Charging:

Residential:

1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking) and ensure appropriate cabling is provided to enable increase in future provision.

Commercial, Industrial and Retail*

1 charging point per 10 spaces to include 1 charging point for every 10 disabled car parking spaces.

Passive charging points are to be provided for dwellings. These ensure cabling is provided for owners to install the correct socket for their vehicle.

*Commercial includes Leisure developments in accordance with the definition in this SPD

Additional information can be found within the Warwickshire County Council Electric Charging Vehicle Strategy <https://apps.warwickshire.gov.uk/api/documents/WCCC-930-349>

Code of Construction Practice

Construction Environmental Management Plan (CEMP) to be incorporated into developments and agreed with Council Officers. This shall include NRMM controls (see table 4).

Green Infrastructure

Certain types of plants, shrubs and trees can be effective in removing particulates from the atmosphere and have positive impacts for air quality, particularly if used cumulatively. Green infrastructure could be used where it can be shown that such infrastructure will reduce exposure from air pollution. (See paragraphs 7.13-7.15)

Heating⁴

All gas-fired boilers to meet a minimum standard of <40 mgNO_x/kWh

All gas-fired CHP plant to meet minimum emission standards of:

Spark ignition engine 250 mgNO_x/Nm³

Compression ignition engine 400 mgNO_x/Nm³

Biomass boiler 275 mgNO_x/Nm³ & 25 mgPM/Nm³

⁴ Heating standards reflect 2019 emissions, these may be superseded by national legislation.

Table 3 - Type 2 forms of Mitigation

<ul style="list-style-type: none">• Monitored Travel Plan;• Measures to support public transport infrastructure and promote use;• Measures to support cycling and walking infrastructure;• Measures to support an Electric Vehicle Plan;• Non-road mobile machinery (NRMM) controls (see table 4). <p>Commercial development specific:</p> <ul style="list-style-type: none">• Use reasonable endeavors to use/require vehicle use complying with the latest European Emission Standard;• Provide a fleet emission reduction strategy/Low Emission Strategy, including low emission fuels and technologies, including ultra-low emission service vehicles.
<p>Off-set mitigation to support:</p> <ul style="list-style-type: none">• Implementation and operation of Clean Air Zones (CAZ), Low Emission Zones (LEZ) or Low Emission Strategies (LES);• Growth in low and ultra-low emission public transport, including buses;• Electric Vehicle Plans;• Car clubs (including electric) and car sharing schemes;• Cycling Hubs and corridors;• Plugged-in development and demonstration schemes; <p>Infrastructure for low emission, alternative fuels e.g. refuse collection and community transport services.</p>

Table 4 – Non-Road Mobile Machinery (NRMM) Controls

<p>Further information on the suitability of mitigation for developments can be obtained from the Commercial Regulation Team and through pre-application discussions.</p>
<p>NRMM of net power between 37kW and 560kW will be required to meet the standards based upon the engine emissions standards in EU Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM.</p> <p>From 1 September 2020 the following changes will apply:</p> <ul style="list-style-type: none">• (a) NRMM used on any construction or demolition site within the Rugby urban area will be required to meet Stage IIIB of the Directive as a minimum.• (b) NRMM used on any development will be required to meet Stage IV of the Directive as a minimum. <p>The requirements may be met using the following techniques;</p> <p>(a) Reorganisation of NRMM fleet (b) Replacing equipment (with new or second-hand equipment which meets the policy) (c) Retrofit abatement technologies (d) Re-engining.</p> <p>All eligible NRMM should meet the standards above unless it can be demonstrated that the machinery is not available or that a comprehensive retrofit to meet both PM and NOx emission standards is not feasible.</p>

Assessing the acceptability of a scheme

- 6.22 The acceptability of the scheme will be dependent upon how it relates to policy HS5 which requires development of 1,000 sqm of floorspace or 10 or more dwellings or development within the Air Quality Management Area (see Map 1) that would generate any new floorspace to demonstrate air quality impacts.
- 6.23 Any air quality assessment must include an assessment of policy HS5 and an associated assessment relating to its air quality and how air quality neutrality will be achieved and the appropriate mitigation measures.
- 6.24 The responsibility for providing and satisfying these criteria rests with the developer and would normally be undertaken by a suitably qualified person carrying the appropriate professional indemnity. The Council's Commercial Regulation Team can provide advice to assist them.
- 6.25 While applicants may present evidence as to the significance of scheme impacts or the impact of air quality on a scheme, Rugby Borough Council reserves the right to determine the acceptability of an application based on local air quality evidence and the cumulative impacts of schemes.
- 6.26 Failure to meet the requirements in this guidance may result in the application being delayed as Rugby Borough Council may request extra information, amendments or conditions to the application. If the issues remain, planning permission will not normally be granted.

7 Specific Issues

Biomass boilers

- 7.1 Biomass boiler provision has increased over recent years, supported by the financial benefits of the Government's Renewal Heat Incentive (RHI)⁵. However, the emissions from biomass plant can lead to significant emissions of NOx and PM, even from relatively small plant.
- 7.2 All biomass boiler plant applications will require a full air quality assessment to be submitted and will be resisted in the Rugby urban area unless mitigation is provided to achieve emissions of NOx and PM that are capable of achieving the following standards:
- Solid biomass boiler (< 1 MW thermal input) NOx 180mgNm³ / PM 5mgNm³
 - Solid biomass boiler (>=> 1 MW thermal input) NOx 125 mgNm³ / PM 5mgNm³

Standby / back-up power generation

- 7.3 All standby/back-up power generation applications will require a full air quality assessment to assess the acceptability of the site for such a scheme.
- 7.4 Rugby Borough Council expect all such assessments to include reasoning as to whether gas powered generation can be utilised in the first instance e.g identify the provision of suitable gas mains in the vicinity.
- 7.5 Any diesel-powered generators will be required to incorporate abatement equipment such as selective catalytic reduction and particulate trap (SCRT).

Permitting Under Part 1 of the Environmental Protection Act 1990

- 7.6 Industrial processes are regulated by the Environment Agency (Part A1 processes) and the borough (Part A2 and Part B processes). The planning regime must assume that the permitting regime will ensure the processes comply with their permits and the Act. The planning regime can, however consider whether a land use is appropriate and it must consider the exposure to pollutants.
- 7.7 Those Part A and B Process developments requiring planning applications will require a detailed air quality assessment.

⁵ http://www.energysavingtrust.org.uk/scotland/grants-loans/renewables/renewable-heat-incentive?gclid=EAlaIqobChMI_ZiY2Z7Q2gIVgbHtCh0dwxCEAAYASABEgKGgvD_BwE

Mechanical Ventilation

- 7.8 Air quality concentrations may affect the suitability of certain locations for sensitive developments and this should be assessed in line with section 6.
- 7.9 Some applications in areas of poor air quality have proposed mechanical ventilation as a solution to overcoming potential exposure to poor air quality. This may involve sealed windows / triple glazing with trickle vents and a forced ventilation system, incorporating filters to remove pollutants.
- 7.10 Not only do such schemes increase the energy requirements of developments but also provide a questionable living space in what is essentially a 'hermetically sealed unit' and should not be seen as an accepted solution to mitigating against exposure
- 7.11 Any sensitive development, in an area of pollutant exceedance may choose to incorporate the following considerations:
- The sensitive development should be at least 20m from the kerb, with the alignment of living space to afford further separation from a pollutant source
 - Take account of the height separation of living accommodation from a road source e.g. in blocks of flats
 - The use of green infrastructure to provide a barrier to an adjacent pollution source
 - The projected length of time that the sensitive dwelling will be exposed to elevated pollution levels from scheme completion
 - Reduce the potential for internal pollution e.g. through electric cooking provision
 - Provision of monitoring data to support applications for sensitive developments
- 7.12 Where the above considerations cannot achieve acceptable exposure for a sensitive development then consideration should be given to the refusal of the scheme if the proposal conflicts with policy HS5 or SDC1.

Green Infrastructure

- 7.13 Plants and trees provide an aesthetically pleasing aspect to a scheme, may benefit biodiversity, flood risk reduction, sustainable drainage, and water quality improvements and may also be used to provide a barrier from a pollutant source such as a trafficked road. Green infrastructure in general can also be used in both large and small schemes to help in mitigating the impacts of air quality.
- 7.14 Certain types of plants, shrubs and trees can be effective in removing particulates from the atmosphere and have positive impacts for air quality, particularly if used cumulatively.

7.15 The Woodland Trust has published guidance on how trees can improve air quality this can be found here: <https://www.woodlandtrust.org.uk/publications/2012/04/trees-improve-urban-air-quality/>. Warwickshire County Council have also produced guidance that can benefit air quality via green infrastructure, link here: <https://www.greenblue.com/gb/green-infrastructure/> The latest research from Birmingham University shows that absorption of pollutants by tree foliage is important but a much greater effect is obtained by trees, shrubs and hedges acting as a barrier between people and sources of pollution (eg between housing areas and heavily trafficked roads). <https://bham.cloud.panopto.eu/Panopto/Pages/Viewer.aspx?id=e5bfd240-332e-4316-8e78-ab5901437983>

7.16 Poor air quality has an adverse impact on health. Rugby would not want to see green infrastructure being delivered that would contribute to worsening health problems. Certain tree and plant species, the silver birch (*Betula utilis*) and the male Juniper (*Juniperus*) have been shown to exacerbate breathing problems, whereas species like the whitebeam (*sorbus aria 'Lutescens'*) and clematis (*climatis armandii*) reduce them. While the Council is keen to promote green infrastructure to help address air quality issues it would not support planting schemes where species that contribute to breathing problems dominate. The Tree and Design Action Group's Trees in Hard Landscapes guide and the Forestry Commission's Urban Tree Manual offer technical guidance on integrating trees into the urban landscape. The Tree Species Selection for Green Infrastructure: A Guide for Specifiers is a guide and searchable database. Advice on allergy friendly planting is available online such as www.allergyfriendlyplants.co.uk and www.allergyfree-gardening.com

Electric Vehicle Parking

7.17 Those installing electric vehicle charging will be required to comply with the most up to date guidance that applies at the time the planning application is submitted. This is currently the Code of Practice for Electric Vehicle Charging Equipment Installation (4th edition).

7.18 Policy D2 of the adopted Local Plan seeks the provision of electric vehicle parking in new developments in line with the standards set out in Appendix 5 of the Local Plan. These are set out below. If an applicant wished to exceed this level of provision in an attempt to help mitigate the air quality impacts of their proposal the Council is likely to be supportive of such an approach.

Electric Charging Points

Electric and hybrid vehicle charging points are required to be provided as part of development as outlined in the table below unless it can be demonstrated that it is financially unviable.

Development Type	Development Scale	Quantity Required	Type of Charging Point
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Residential	10 or more dwellings	1 charging point per dwelling; and 1 charging point per 10 unallocated parking spaces.	Passive charging points are to be provided for dwellings. These ensure cabling is provided for owners to install the correct socket for their vehicle. Active charging points are required for unallocated spaces.
Commercial, Industrial and Retail	Major Development	1 charging point per 10 spaces to include 1 charging point for every 10 disabled car parking space	

7.19 Appendix 4 sets out some advice on electric vehicle parking, provided by Warwickshire County Council, the local highways authority. The Council would encourage applicants to comply with this advice but accept there may be site specific issues that mean an alternative approach is necessary.

7.20 Hydrogen, which emits no carbon dioxide, can be used as an alternative to natural gas to transfer and store energy and could replace fossil fuels in industrial processes, internal combustion engines and homes. Going forward hydrogen is likely to play an increasing role in society and the Council would want to future-proof development to enable easy conversion to an economy that makes greater use of hydrogen. So, for example, in considering a planning application for a petrol filling station the Council would like to see evidence that pumps could be easily adapted to dispense hydrogen or that space exists within the site to install hydrogen pumps.

7.21 In November 2020 the Government published their “Ten point plan for a Green revolution” and one of them is driving the growth of low carbon hydrogen with an aim to generate 5GW of low carbon hydrogen by 2030. Given Government support for this sector the importance of hydrogen appears likely to grow.

Car Clubs

7.22 Policy D1 seeks to reduce traffic movements by promoting sustainable transport and through the use of travel plans. One way to reduce traffic movements is to promote car clubs, these are identified as a form of mitigation set out in Table 3 above. Car clubs are short-term car rental services that allow members access to locally parked cars and pay by the hour or day. Car clubs offer an alternative model to private car ownership for individuals and businesses. Car clubs reduce the need for private parking and can help more people give up their cars while allowing for occasional car travel. The benefits they offer include;

- **Sustainable travel behaviour.** Car clubs have the potential to reduce car ownership, inspiring a shift away from private car use to walking, cycling and public transport instead.
- **Benefits for businesses.** Car clubs can help businesses and charities access the cleanest vans and cars, save money and reduce emissions.
- **Transition to electric vehicles.** Many car clubs now operate electric or hybrid vehicles capable of operating with zero emissions.
- **Environmental and safety benefits.** By encouraging people to transition to cleaner vehicles with the highest safety rating, car clubs can improve air quality and reduce CO2 emissions.

Further information on car clubs is available from a number of websites such as

- [CoMoUK](#)
- [BVRLA](#)

8 Engagement and pre application advice

- 8.1 Early engagement with Rugby Development Management officers and the Commercial Regulation Team is important to establish the scope of the required air quality assessment and any mitigation that will be needed to support a proposed planning application in order to comply with policy HS5. It should be noted that for major schemes, pre-application charging applies. More information about this can be found here:

https://www.rugby.gov.uk/info/20084/planning_control/451/do_i_need_planning_permission/2

- 8.2 For large and complex industrial processes, the Commercial Regulation Team should also be able to help by identifying:
- if there are any significant air quality issues that may arise at the permitting stage (so there are ‘no surprises’); and
 - advising whether there are any special requirements that might affect the likelihood of getting planning permission (such as the height of chimneys).

Appendix 1 Air Quality Assessment Protocol

Air Quality Assessment Protocol to Determine the Impact of Vehicle Emissions from Development Proposals

An air quality assessment should clearly establish the likely change in pollutant concentrations at relevant receptors resulting from the proposed development during both the construction and operational phases. It must take into account the cumulative air quality impacts of committed developments (i.e. those with planning permission or allocated in the Local Plan).

Air quality assessments should consider NO_x and PM emissions and NO₂ and PM concentrations

Key Components of an Air Quality Assessment

The assessment will require dispersion modelling utilising agreed monitoring data, traffic data and meteorological data. The modelling should be undertaken using recognised, verified local scale models by technically competent personnel and in accordance with LAQM TG.16. The study will comprise of:

1. The assessment of the existing air quality in the study area for the baseline year with agreed receptor points and validation of any dispersion model;
2. The prediction of future air quality without the development in place (future baseline or do-nothing);
3. The prediction of future emissions and air quality with the development in place (with development or do-something).
4. The prediction of future emissions and air quality with the development (with development or do-something) and with identified mitigation measures in place.

The assessment report should include the following details:

- A. A detailed description of the proposed development, including:
 - Identify any on-site sources of pollutants;
 - Overview of the expected traffic changes;
 - The sensitivity of the area in terms of objective concentrations;
 - Local receptors likely to be exposed;
 - Pollutants to be considered and those scoped out of the process.
- B. The relevant planning and other policy context for the assessment.
- C. Description of the relevant air quality standards and objectives.
- D. The assessment method details including model, input data and assumptions:
 - For traffic assessment;
 - Traffic data used for the assessment;
 - Emission data source;
 - Meteorological data source and representation of area;
 - Baseline pollutant concentration including any monitoring undertaken;
 - Background pollutant concentration;
 - Choice of base year;

- Basis for NO_x:NO₂ calculations;
- A modelling sensitivity test for future emissions with and without reductions;

For point source assessments:

- Type of plant;
 - Source of emission data and emission assumptions;
 - Stack parameters – height, diameter, emission velocity and exit temperature;
 - Meteorological data source and representation of area;
 - Baseline pollutant concentrations;
 - Background pollutant concentrations;
 - Choice of baseline year;
 - Basis for deriving NO₂ from NO_x.
- E. Model verification for all traffic modelling following DEFRA guidance LAQM.TG (09):
- F. Identification of sensitive locations:
- G. Description of baseline conditions:
- H. Description of demolition/construction phase impacts:
- I. Summary of the assessment results:
- Impacts during the demolition/construction phase;
 - Impacts during the operation phase;
 - The estimated emissions change of local air pollutants;
 - Identified breach or worsening of exceedances of objectives (geographical extent)
 - Whether Air Quality Action Plan is compromised;
 - Apparent conflicts with planning policy and how they will be mitigated.
- J. Mitigation measures.

Air Quality Monitoring

In some case it will be appropriate to carry out a short period of air quality monitoring as part of the assessment work. This will help where new exposure is proposed in a location with complex road layout and/or topography, which will be difficult to model or where no data is available to verify the model. Monitoring should be undertaken for a minimum of six months using agreed techniques and locations with any adjustments made following Defra technical guidance LAQM.TG (09).

Assessing Demolition/Construction Impacts

The demolition and construction phases of development proposals can lead to both nuisance dust and elevated fine particulate (PM₁₀ and PM_{2.5}) concentrations. Modelling is not appropriate for this type of assessment, as emission rates vary depending on a combination of the construction activity and meteorological conditions, which cannot be reliably predicted. The assessment should focus on the distance and duration over which there is a risk that impacts may occur. The Institute of Air Quality Management (IAQM)⁶ has produced a number of documents to which this guidance refers. The document `Guidance on the

⁶ IAQM www.iaqm.co.uk

Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance' should be the reference for reporting the construction assessment.

Cumulative Impacts

The NPPF (paragraph 181) recognises that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

Where relevant, the cumulative or in-combination effects arising from several developments, can impact of air quality when developments are permitted sequentially, with each individually having only a relatively low polluting potential, but which cumulatively result in a significant worsening of air quality.

This will occur where:

- A single large site is divided up into a series of units, such as an industrial estate or retail park, or where large allocations are divided up into development parcels;
- A major development is broken down into a series of smaller planning applications for administrative ease; and
- There are cumulative air quality impacts from a series of unrelated developments in the same area.

The first two cases the cumulative impact may be addressed by a single developer-bringing forward an outline application for the whole site which includes an air quality assessment as part of an Environmental Impact Assessment. For major developments that are broken down into a series of smaller planning applications, the use of a 'Master or Parameter Plan' that includes an air quality assessment may address the cumulative impact. The onus will be on the developer to satisfy the Council, how cumulative impacts have been satisfactorily addressed.

Appendix 2 – Damage Costs: calculations and example

Damage costs are the costs to society (mainly health) per tonne of pollutant emitted. They provide an easy reckoning of the monetised value of changes in pollution. The Government publishes damage costs for NOx and PM and also provides an Emission Factor Toolkit to allow the calculation of the emissions from schemes over the coming years.

Applicants calculating damage costs should incorporate the following:

- The most recent version of the Emission Factor Toolkit
- Both NOx and PM to be considered
- Appropriate HGV % traffic split to be used
- Traffic speed of 30km / hour to be used
- The appropriate damage cost category as advised by the Rugby Commercial and Regulations Team

The following example outlines the damage cost calculation process for an urban mixed-use development outside London, to be operational in 2019, including residential development in 2 blocks and a hotel. The trip generation for the residential scheme is low due to less than 50% parking level per dwelling, including 25% provision of electric vehicle charging points (and a further 25% potential) and cycle stores. The hotel scheme includes 100+ space parking provision. Service deliveries to both the residential and hotel scheme are also considered.

The scheme is categorised as ‘outer conurbation (not London)’ for damage costs.

Step 1 – Using the trip increase for each aspect of the scheme calculate the annual emissions of NOx and PM (in tonnes) for each of the 5 years from opening

	Projected yearly emissions (Defra Emission Factor Toolkit v8)				
	2019	2020	2021	2022	2023
Residential NOx	129.73952	120.58516	110.44020	100.85574	92.75155
Residential PM	11.50558	11.31002	11.17497	11.06880	10.98908
Hotel NOx	506.79502	471.03580	431.40703	393.96773	362.31073
Hotel PM	44.94366	44.17977	43.65224	43.23749	42.92610
Deliveries NOx	477.56736	409.78076	347.56394	296.07882	256.18598
Deliveries PM	32.62307	31.71858	30.96677	30.38716	29.94013
Total NOx (kg)	1,114.1019	1,001.4017	889.41117	790.90229	711.24826
Total PM (kg)	98.07231	87.20837	85.79398	84.69345	83.85531
Total NOx (t)	1.1141019	1.0014017	0.8894111	0.7909022	0.7112482
Total PM (t)	0.0980723	0.0872083	0.0857939	0.0846934	0.0838553

Step 2 – Using the selected damage cost category, uplift the 2015 prices provided by the IGCB by 2% per annum to reflect the correct cost in each of the first 5 years from opening

	Price per tonne of pollutant in projected years (Defra IGCB)					
	2015 price/tonne	2019	2020	2021	2022	2023
NOx	£31,776	£34,395	£35,083	£35,784	£36,500	£37,230
PM	£87,770	£95,003	£96,903	£98,841	£100,817	£102,833

Step 3 – Multiply the tonnage of emissions for each pollutant by the damage cost price for each year. Provide a cumulative total for 5 years

	Damage Costs				
	2019 (year 1)	2020	2021	2022	2023 (year 5)
NOx	£38,319	£35,132	£31,826	£28,867	£26,479
PM	£9,317	£8,450	£8,479	£8,538	£8,623
Totals (cumulative)	£47,636	£91,218	£131,523	£168,928	£204,030

The application in this example provided a scheme car club to make the scheme acceptable in air quality terms.

Appendix 3 – Local Plan Policy

Relevant Local Plan Policies:

Policy SDC1: Sustainable Design

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.

Factors including the massing, height, landscape, layout, materials and access should also be a key consideration in the determination of planning applications.

The Council will consider appropriate housing density on a site by site basis with decisions informed by local context of the area in terms of design considerations, historic or environmental integration, local character, identified local need and, where relevant, a Neighbourhood Development Plan.

Proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

Proposals for housing and other potentially sensitive uses will not be permitted near to or adjacent sites where there is potential for conflict between the uses, for example, an existing waste management site. Such proposals must be accompanied by supporting information demonstrating that the existing and proposed uses would be compatible and that the proposal has addressed any potential effects of the existing use on the amenity of the occupiers of the proposed development.

Developers should provide adequate off-street storage space for wheeled bins, including storing recycling, to serve all new residential properties, including conversions. This requirement is particularly important in designated Conservation Areas where the visual importance of the street scene has been acknowledged and there is a duty for the area's character and appearance to be

Policy D1: Transport

Development will be permitted where sustainable modes of transport are prioritised and measures designed to mitigate transport impacts arising from with individual developments proposals or cumulative impacts caused by a number of proposals are provided. Proposals should have regard to the Sustainable Transport Strategy.

All large scale developments which result in the generation of significant traffic movements, should be supported by a Transport Assessment and where necessary a Travel Plan, to demonstrate practical and effective measures to be taken to mitigate the adverse impacts of traffic. It must consider:

- The impact of the proposal upon existing infrastructure;
- How the site will connect safely to public transport;
- Safe and convenient access to pedestrians and cyclists;
- Potential impact of heavy goods vehicles accessing the site, including during construction: and
- The entering into of bus and/or freight partnerships with the County Council and/or third parties.

Smaller scale development must also be accompanied by a Transport Statement which should address:

- Opportunities for sustainable transport to serve the proposed development;
- Whether safe and suitable access to the site can be achieved; and
- Whether improvements can be undertaken that cost effectively mitigate the impacts of the development.

Proposals should be considered in the light of the transport mitigation measures identified in the Infrastructure Delivery Plan, and other localised impacts as identified in the transport assessment statements.

Policy D3: Infrastructure and Implementation

The delivery of new development will be dependent on sufficient capacity being available in existing infrastructure and/or measures being proposed to mitigate its impact. Where this cannot be demonstrated permission for new development will only be granted where additional capacity can be released through new infrastructure, or better management of existing infrastructure.

Developer contributions may be sought to fund new infrastructure when required to mitigate development impacts and a programme of delivery will be agreed before development can take place.

Proposals should be considered in the light of the mitigation measures identified in the Infrastructure Delivery Plan.

Appendix 4 – Electric Vehicle Charging

A4.1 Slow / trickle - 3kW: this is the oldest standard and can typically be supplied by a standard household 3-pin plug, a wall or post mounted purpose built unit or via a street light charging point. A typical full charge of an electric vehicle (from empty) takes between 7 and 8 hours, meaning that it is most suited for overnight charging at or near home or work, and the number of users in a 24 hour period is low (typically 1 – 2).

A4.2 Fast - 7kW a newer standard that requires a dedicated power source and connecting cable type. A typical full charge on an electric vehicle takes 3- 4 hours, meaning that 3 or 4 users a day could fully charge. This supply is becoming common in many current on-street or public car park charging points, as well as in supermarkets and businesses. 22kW units can be deployed for faster charging where 3-phase charging is available e.g. multi-storey car parks.

A4.3 Rapid - 43kW AC / – 50kW DC : a high power rapid charging option to suit the needs of users who need to charge their electric vehicle quickly to keep them in use, such as taxis, commercial vehicles or company cars. An 80% charge from empty typically takes 30-40 minutes for a standard EV e.g. Nissan Leaf, allowing for a high number of charges per day. Rapid points are now available at most motorway service stations. Although smaller designs are becoming available, these units are relatively large and expensive compared to lower power units and require significant local grid connection capacity which can impact upon locations for rapid charge point installations. 3kW charging point 7kW charging point post Rapid 50kW charger.

A4.4 Supercharge Rapid – 120-140kW: these are currently installed exclusively by Tesla – enabling their larger battery powered EV range (60- 120kWh capacity) to charge quickly e.g. Tesla Model ‘S’ can charge up to 80% in about 40 minutes or add 170 miles of range in about 30 minutes. Superchargers will become increasingly important as other high powered EVs enter the UK market e.g. VW and JLR models. Tesla has indicated that arrangements with other EV manufacturers are likely to enable such EVs to access the Tesla supercharge highway. They also expect that their Tesla models will be able to fully charge within 10 minutes in future.

A4.5 County advise against on-street charging points on residential streets for the following reasons:

- in many locations, lighting columns are located at the rear of the footway. This makes them unsuitable to use for charging.
- in many places, lighting columns are not suitable for the required upgrade.
- the need for dedicated EV bays on-street in locations where residential on-street parking is already at a premium compounds parking issues. Providing designated EV parking bays would demand a Traffic Regulation Order and once in place this would need to be enforced.
- The cost of installation and ongoing maintenance of on-street charge-points.

Air Quality SPD June 2021 Consultation Statement

Responses and Modifications made as a result of
representations received

June 2021

Context

- 1.1 The Statement of Community Involvement (SCI) states that a Consultation Statement will be published following the close of the consultation. This will include:
 - A list of the persons consulted;
 - A summary of representation; and
 - A comment on how representations have been considered and the actions taken.
- 1.2 The consultation period ran from 9th March to the 20th November 2020. 18 consultation responses were received for consideration by the Council. A list of consultees who made representations to the consultation document can be found in Appendix A.
- 1.3 The consultation was carried out under the Town and Country Planning (Local Planning) (England) Regulations 2012 Regulations 12 and 13. The details of the consultation including where to view the document and how to respond were published on the Rugby Borough Council website and in the Rugby Observer newspaper.
- 1.4 All statutory consultees (including Parish Councils) and any individuals and businesses whose details were held on the Planning Policy Database received either a letter or an email notifying them of the consultation and where to view the document. Following the introduction of GDPR legislation, the Planning Policy Database had been updated to include only those the Council had a duty to consult, and those who had 'opted in' or expressed a wish to be notified of future Local Plan documents.
- 1.5 Copies of the consultation documents were made available on the Council's website and for viewing during opening hours at the Town Hall as well as the Rugby, Dunchurch and Wolston libraries. Representations could be made by email or by post.
- 1.6 The key issues as a result of the consultation were as follows;
 - Confusion over the actual wording of policy HS 5 and its' implementation;
 - How this SPD could mitigate the impact of the developments on the SW Rugby allocation;
 - The need for the SPD to be clearly understood by all parties so it can be used;
 - The interaction between this SPD and the SW Rugby SPD;

1.7 In response to the consultation this document outlines the following:

- A detailed table summarising the key issues raised by consultation
- Appendix A: A list of consultees who made representations.

Issues raised and suggested changes:

Respondent	Comments	RBC Response	Action	Recommended Changes in bold or as strikethrough
1.Historic England	No comments	Noted	None	None
2.Harborough DC	No comments	Noted	None	None
3.S.Hume	Do not use silver birch in planting as it worsens allergies and breathing problems	Text does not refer to any specific type of green infrastructure or planting	Add new text in para 7.16 to address this concern.	Poor air quality has an adverse impact on health. Rugby would not want to see green infrastructure being delivered that would contribute to worsening health problems. Certain tree and plant species, the silver birch (<i>Betula utilis</i>) and the male Juniper (<i>Juniperus</i>) have been shown to exacerbate breathing problems, whereas species like the whitebeam (<i>sorbus aria 'Lutescens')</i> and clematis (<i>climatis armandii</i>) reduce them. While the Council is keen to promote green infrastructure to help address air quality issues it would not support planting schemes where species that contribute to breathing problems dominate. The Tree and Design Action Group's Trees in Hard Landscapes guide and the Forestry Commission's Urban Tree Manual offer technical guidance on integrating trees into the urban landscape. The Tree Species Selection for Green Infrastructure: A Guide for Specifiers is a guide and searchable database. Advice on allergy friendly planting is available online such as www.allergyfriendlyplants.co.uk and www.allergyfree-gardening.com
4.Dunchurch Parish Council	Air quality at the Crossroads in Dunchurch is very poor and therefore, we do not want the	Development of SW Rugby allocation	None	None

	<p>situation to worsen. Poor Air Quality here needs to be addressed.</p>	<p>requires delivery of a relief road that aims to take traffic away from Dunchurch which will improve air quality</p>		
	<p>The DPC believes that lorries accessing and egressing from the Symmetry Park Development should be prohibited from passing through the cross roads, with heavy penalties for those drivers who do use the cross roads.</p>	<p>Not a matter for this SPD. The symmetry park development could have a lorry routing strategy plan imposed as part of a s106 agreement.</p>	<p>None</p>	<p>None</p>
	<p>The Symmetry Park Developers should organise an affordable bus service for their employees to reduce the number of vehicle movements passing through Dunchurch.</p>	<p>Not a matter for this SPD. Bus contributions would be part of any s106 agreement associated with a planning application.</p>	<p>None</p>	<p>None</p>

	<p>New access roads to any new housing developments should be put in place prior to any of the dwellings being occupied, to reduce vehicle movements passing through the crossroads.</p>	<p>Not a matter for this SPD. Delivery of Homestead link road to mitigate impact of SW Rugby allocation on Dunchurch crossroads addressed by Local Plan Policy DS 8, DS 9 and the SW Rugby SPD.</p>	<p>None</p>	<p>None</p>
	<p>Developers of new developments should plant as many trees and shrubs as possible to mitigate against a reduction in air quality</p>	<p>Noted. SPD sets out a number of ways to mitigate air quality which includes green infrastructure.</p>	<p>None</p>	<p>None</p>
	<p>All major developments need to address air quality from the outset and LPA should ensure that measures are monitored and enforced.</p>	<p>Noted. One of the purposes of developing this SPD is to raise profile of air quality issues with developers, AQ monitoring undertaken by environmental</p>	<p>None</p>	<p>None</p>

	Objected to WCC minerals plan due to traffic implications for Dunchurch.	health. RBC has enforcement powers. Beyond the scope of this SPD.	None	None
5. Warwickshire County Council – Lead Flood authority	<p>We advocate the use of green infrastructure / sustainable drainage systems to manage runoff on new developments (i.e. ponds, swales). These can bring benefit to air quality.</p> <p>On brownfield sites or urban regeneration sites, tree pits can be used successfully to help capture pollutants in runoff meanwhile benefiting air quality also (for examples see https://www.greenblue.com/gb/green-infrastructure/).</p> <p>With the above in mind, we would welcome an addition to Section 7.13 to 7.15 which acknowledges that certain green infrastructure can also deliver multiple benefits for example on flood risk reduction, sustainable</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	<p>None</p> <p>Amend para 7.15 to include this</p> <p>Amend para 7.13 to include this text.</p>	<p>None</p> <p>The Woodland Trust has published guidance on how trees can improve air quality this can be found here: Warwickshire County Council have also produced guidance that can benefit air quality via green infrastructure, link here: https://www.greenblue.com/gb/green-infrastructure/</p> <p>Plants and trees provide an aesthetically pleasing aspect to a scheme, may benefit biodiversity, flood risk reduction, sustainable drainage, and water quality improvements and may also be used to provide a barrier from a pollutant source such as a trafficked road. Green infrastructure in general can also be used in both large and small schemes to help in mitigating the impacts of air quality.</p>

	drainage and water quality improvements.			
6.Cllr N Sandison	In terms of CIL or Section 106 contributions developers should be encouraged to contribute to air quality improvements like modal shift in transport to reduce pollutants by encouraging people to cycle or use hydrogen or electric public access transport and interchanges to reduce emissions.	These measures are already referred to in SPD text and in tables 2 and 3 as acceptable forms of mitigation.	Add new text in paras 7.17-7.21 on these issues.	<p>Introduce text in paragraphs 7.17-7.21 to address these issues.</p> <p>Those installing electric vehicle charging will be required to comply with the most up to date guidance that applies at the time the planning application is submitted. This is currently the Code of Practice for Electric Vehicle Charging Equipment Installation (4th Edition)</p> <p>Policy D2 of the adopted Local Plan seeks the provision of electric vehicle parking in new developments in line with the standards set out in Appendix 5 of the Local Plan. These are set out below. If an applicant wished to exceed this level of provision in an attempt to help mitigate the air quality impacts of their proposal the Council is likely to be supportive of such an approach.</p> <p>Appendix 4 sets out some advice on electric vehicle parking, provided by Warwickshire County Council, the local highways authority. The Council would encourage applicants to comply with this advice but accept there may be site specific issues that mean an alternative approach is necessary.</p> <p>Hydrogen, which emits no carbon dioxide, can be used as an alternative to natural gas to transfer and store energy and could replace fossil fuels in industrial processes, internal combustion engines and homes. Going forward hydrogen is likely to play an increasing role in society and the Council would want to future-proof development to enable easy conversion to an economy that makes greater use of hydrogen. So, for example, in considering a planning application for a petrol filling station the Council would like to see evidence that pumps could be easily adapted to dispense hydrogen or that space exists within the site to install hydrogen pumps.</p>

			<p>In November 2020 the Government published their “Ten point plan for a Green revolution” and one of them is driving the growth of low carbon hydrogen with an aim to generate 5GW of low carbon hydrogen by 2030. Given Government support for this sector the importance of hydrogen appears likely to grow.</p> <p>Policy D1 seeks to reduce traffic movements by promoting sustainable transport and through the use of travel plans. One way to reduce traffic movements is to promote car clubs, these are identified as a form of mitigation set out in Table 3 above. Car clubs are short-term car rental services that allow members access to locally parked cars and pay by the hour or day. Car clubs offer an alternative model to private car ownership for individuals and businesses. Car clubs reduce the need for private parking and can help more people give up their cars while allowing for occasional car travel. The benefits they offer include:</p> <ul style="list-style-type: none"> • Sustainable travel behaviour. Car clubs have the potential to reduce car ownership, inspiring a shift away from private car use to walking, cycling and public transport instead. • Benefits for businesses. Car clubs can help businesses and charities access the cleanest vans and cars, save money and reduce emissions. • Transition to electric vehicles. Many car clubs now operate electric or hybrid vehicles capable of operating with zero emissions. • Environmental and safety benefits. By encouraging people to transition to cleaner vehicles with the highest safety rating, car clubs can improve air quality and reduce CO2 emissions. <p>Further information on car clubs is available from a number of websites such as</p> <ul style="list-style-type: none"> • CoMoUK
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	<p>Urban tree planting can also help to reduce urban heat sinks and absorb emissions developers can tree plant or provide open spaces with a financial contribution and look to make a net gain in air quality.</p>	<p>These measures are already referred to in SPD text and in tables 2 and 3 as acceptable forms of mitigation.</p>	<p>None</p>	<ul style="list-style-type: none"> • BVRLA <p>None</p>
<p>7.Barton Willmore on behalf of Taylor Wimpey</p>	<p>Object to SPD requiring air quality neutrality</p>	<p>Policy HS5 with further information in this SPD seeks to ensure that if developments are not air quality neutral they need to mitigate. That is not the same as making developments air quality neutral. The details of the mitigation are set out in the SPD.</p>	<p>None</p>	<p>None</p>

	<p>Will be making substantial contributions to deliver air quality mitigations as part of SW Rugby development. This should be acknowledged in this SPD and should not seek extra contributions for air quality.</p>	<p>The SW Rugby SPD defers the detail associated with air quality issues to this SPD. This is not an extra requirement but is further explanation to policy HS5. Air Quality for the SW SPD will be treated in the same manner as other development, explaining that there are on-site and off-site mitigations for air quality as explained in the SPD subject to viability.</p> <p>The SPD cannot make detailed comments about parcels within the SW, this is a matter for</p>	<p>None</p>	<p>None</p>
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		separate negotiation for each planning application.		
8.Marrons on behalf of L&Q Estates	<p>Our understanding is that the proposed tariff within the draft South West Rugby SPD will require contributions towards strategic infrastructure, including the delivery of the spine road network, cycling network, and public transport routes. As these measures will all benefit air quality, as noted in paragraph 4.13 of the draft Air Quality SPD, it must be the case that no further off site measures, or financial contributions will be required. It would be helpful in this respect if that is confirmed within the South West Rugby SPD.</p> <p>There is therefore now an element of uncertainty as to whether an applicant can demonstrate compliance with Policy HS5 if they have not addressed air quality neutral standards. L&Q Estates would</p>	<p>The merits of each application cannot be predetermined by SPD.</p> <p>The SPD sets out a number of mitigations that may be appropriate in terms of both on and off site, depending on the site context. It will be for discussion between developers and RBC to set out the specific mitigations during the process of a planning application and S106 negotiations but</p>	None	None
			None	None

	therefore welcome further clarity on this aspect in any final SPD.	the explanation of the SPD requires both on and off site mitigation for major schemes, addressing both transport impacts and on-site emissions, subject to viability.		
9. B.Coleman	Given that warehousing application been approved should divert traffic away from Dunchurch, plant more trees and greenery and encourage electric based public transport	The consideration of a specific planning application is not a matter for this SPD. The associated S106 agreement is likely to address vehicle movement and landscaping. Whilst the development of electric bus fleet may have benefits the requirement of	None	None

		<p>this initiative would be a consideration for planning applications and the specific circumstances of the case and whether those levels of contributions would be reasonable.</p>		
<p>10. Thurlaston PC</p>	<p>Ensure warehousing scheme complies with policy.</p> <p>There needs to be a monitoring station at warehousing site to monitor air quality levels.</p>	<p>There will be a detailed s106 agreement between developer and RBC to address this issue.</p> <p>Location of air quality monitoring stations not a matter for SPD. Permission will have conditions attached, planning service</p>	<p>None</p> <p>None</p> <p>None</p>	<p>None.</p> <p>None.</p> <p>None.</p>

	<p>How will air quality measures be enforced.</p>	<p>can take enforcement action against breaches of conditions if and when they arise.</p> <p>Not a matter for this SPD will be a matter for detailed negotiation as part of s106 agreement or enforcement of conditions.</p> <p>WCC consulted on any relevant application.</p>	<p>None</p>	<p>None.</p>
	<p>What specific measures will be imposed.</p>	<p>The imposition of conditions is not a matter for this SPD.</p>	<p>None</p>	<p>None.</p>
			<p>None</p>	<p>None.</p>

	<p>Work with WCC to address air quality issues.</p> <p>Lower polluting vehicles are a long term ambition.</p> <p>Potsford Dam link is crucial and must be delivered.</p> <p>Use of realistic and enforceable travel plans for warehousing scheme.</p>	<p>Agreed but not a matter for this SPD.</p> <p>Detail of travel plans will be a matter for detailed discussion as part of s106 agreement.</p> <p>Issue for LP policies DS 8 and SWR SPD.</p>	<p>None</p> <p>None</p> <p>None</p>	<p>None.</p> <p>None.</p> <p>None.</p>
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	Major development schemes need to prioritise walking and cycling routes.			
11. S.Lewington	Concerned about traffic and noise from Tritax warehousing permission, need to undertake adequate monitoring to ensure compliance with air quality neutrality.	S106 agreement will address vehicle movements and air quality/noise issues. Environmental health determine location of monitoring stations not a SPD.	None	None.
12. Wolston PC	Want an AQ monitoring station in Wolston.	Not a matter for this SPD	None	None.
13. William Davis Ltd	Installing electric vehicle charging points may impact on viability.	Introducing any SPD does not override the need for development to remain viable.	None	None.
14. Woodland Trust	More recent guidance on the benefits of green infrastructure is now available, link attached.	Add link to text in para 7.15.	Amend text.	The latest research from Birmingham University shows that absorption of pollutants by tree foliage is important but a much greater effect is obtained by trees, shrubs and hedges acting as a barrier between people and sources of pollution (eg between housing areas and heavily trafficked roads). https://bham.cloud.panopto.eu/Panopto/Pages/Viewer.aspx?id=e5bfd240-332e-4316-8e78-ab5901437983
15. Framptons	Query concept of air quality neutrality on a greenfield site.	Although policy seeks air quality	None	None.

<p>on behalf of Tritax</p>	<p>Use of may in damage cost calculations is ambiguous</p> <p>Set out detail of appropriate mitigations and include model conditions.</p>	<p>neutrality it does not demand it, policy allows for development to mitigate negative air quality impacts. Higher level of mitigation is likely to be required for a greenfield site than a brownfield one.</p> <p>Use of may reflects that diverse applications may require different approaches.</p> <p>Given diversity of applications and site contexts available in Rugby setting out detail of all mitigations and possible conditions would</p>	<p>None</p> <p>None</p>	<p>None.</p> <p>None</p>
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		make SPD too long and would not allow for new solutions as technology changes.		
	Requirements around NRMM are too strict, may not be enforceable and may not be planning matters and covered by other legislation.	No evidence submitted to show that standards are too onerous. Would be imposed by a planning condition so fall under planning enforcement.	None	None
	Query figure in appendix 2 for car clubs.	Appendix 2 works through a hypothetical example of how calculation of mitigation should be done. In this example mitigation in form of contributions to a car club.	None	None

	Air quality neutral costs should be off set against any air quality positive measures developers bring forward.	Agreed.	None	None
16. Homes Engand	Query concept of air quality neutrality and its application.	A new 40 mph road without signals may show better air quality than alternative of moving through existing crossroads at Dunchurch	None	None.
	Use of may in damage cost calculations is ambiguous	Use of may reflects that diverse applications may require different approaches.	None	None.
	Clarity required over when type 1 and type 2 mitigations required.	Unclear what further clarity was sought.	None.	None.
	How will NRMM standards be enforced. They will be stricter in Rugby Urban Area.	Enforcement will be a planning matter. AQ	None	None.

	How will road schemes be considered	worse in Rugby UA so standards stricter. Yes, a major scheme like a road would be required to comply with the policy.	None	None.
	How will costs of infrastructure be calculated.	Ensuring all schemes make appropriate funding is addressed in SWR SPD.	None	None.
17. R.Holt	See Table 2	See Table 2	As below	As below
18. H.Biddington	This is a duplicate of the R.Holt response	See Table 2	As below	As below

Table 2 - Detailed Response from R.Holt

Page/Paragraph	Existing Issue	Revised Wording	Response
Glossary	Include the dictionary definition of "Commercial"	Commercial organisations and activities are concerned with making money or profits, rather than, for example, with scientific research or providing a public service.	Agreed.
Section 6	From an implementation viewpoint, Section 6 needs to be redrafted for		Noted.

	<p>greater clarity for developers and development management officers. Within that general point there are some specific points that need to be addressed. At present Environmental Health are tied up with the Covid-19 Pandemic. They have not had time to comment on this document but if section 6 is to be revised, their input is important.</p>										
<p>Table 1 – Air Quality Classification of Developments</p>	<p>Please see attached suggested redrafting of Table 1.</p> <p>This table needs to set out when policy HS5 is applied relating to the type of development</p>	<p>Add this table after para 6.4</p> <p>Table 1 – Air quality classification of developments</p> <p>Some development falls outside of policy HS5, some falls within it and needs to comply with the policy. The following table classifies the difference:</p> <table border="1" data-bbox="759 1023 1778 1347"> <thead> <tr> <th data-bbox="759 1023 1043 1134">Scheme Type</th> <th data-bbox="1043 1023 1218 1134">Does HS5 apply or not?</th> <th data-bbox="1218 1023 1525 1134">Type of Mitigation</th> <th data-bbox="1525 1023 1778 1134">Notes</th> </tr> </thead> <tbody> <tr> <td data-bbox="759 1134 1043 1347">Development below 10 units or 1000 metres in floorspace which is outside the AQMA (regardless of whether or not it</td> <td data-bbox="1043 1134 1218 1347">Policy HS5 does not apply</td> <td data-bbox="1218 1134 1525 1347">No mitigation required*</td> <td data-bbox="1525 1134 1778 1347">There are some types of development, such as Biomass boilers, that will require air quality</td> </tr> </tbody> </table>	Scheme Type	Does HS5 apply or not?	Type of Mitigation	Notes	Development below 10 units or 1000 metres in floorspace which is outside the AQMA (regardless of whether or not it	Policy HS5 does not apply	No mitigation required*	There are some types of development, such as Biomass boilers, that will require air quality	<p>Agreed.</p>
Scheme Type	Does HS5 apply or not?	Type of Mitigation	Notes								
Development below 10 units or 1000 metres in floorspace which is outside the AQMA (regardless of whether or not it	Policy HS5 does not apply	No mitigation required*	There are some types of development, such as Biomass boilers, that will require air quality								

		generates new floorspace)			considerations as part of SDC 1. These types of development are explained within section 7.	
		Development below 10 units or 1000 square metres which generates new floorspace and is inside the AQMA	Policy HS5 applies	Type 1 Mitigation	<p>Extensions to existing dwellings may not require mitigation if no new boilers are included as part of the scheme as a whole.</p> <p>Annexes to dwellings which require their own heating would require mitigation.</p> <p>Changes of use/new uses from an empty shell would require mitigation if new/upgraded heating is included as part of scheme.</p>	

					Extensions to existing uses would require mitigation if new/upgraded heating is required due to the increase in floorspace.	
		Development below 10 units or 1000 square metres which does not generate new floorspace inside the AQMA	Policy HS5 does not apply	No mitigation required		
		Development above 10 units or 1000 square metres (regardless of whether or not it is inside or outside the AQMA)	Policy HS5 applies	Type 1 and Type 2 mitigation required. If NRMM used as part of scheme, Table 4 applies		
		<p>*A standard informative seeking the take up of ultra low emission boilers and other associated measures will be added to planning permissions.</p> <p>There are some types of development, such as Biomass boilers, that will require air quality considerations as part of SDC 1. These types of development are explained within section 7</p>				
Para 6.2	"Type 1 mitigation is listed in table 2 and Type 2."	Amend para 6.2 to say: " Type 1 mitigation is listed in table 2 and Type 2. Tables 2 and 3 list the types of mitigation required. These are divided up into Type 1 and Type 2 Mitigation measures. "				Agreed.

	This sentence does not make sense.		
Sub-title on page 17	This sub-title refers to 'Additional Floorspace within an AQMA'. It should clarify that this is referring to non-majors	Before para 6.5 add this heading: "Additional Floorspace within the AQMA below 10 units or 1000 square metres."	Agreed.
Para 6.5	Existing text in this para asks for 'an assessment'. This can be confused with an air quality assessment which would not be required for smaller developments within the AQMA. Suggest re-wording in accordance with amended Table 1.	Amend para 6.5 as follows "6.5 Smaller development proposals may not in themselves create an additional significant air quality problem but will may add cumulatively to local air pollution and potentially introduce more people likely to be exposed to existing levels of poor air quality. Even if car free, smaller developments could affect the AQMA by introducing additional gas boilers as part of the development. An assessment of the likelihood of introducing additional exposure will be determined if If the proposal is in the AQMA, and generates new floorspace, mitigation measures may be required in line with Type 1 mitigation listed in Table 2 in this document. If the proposal does not involve the creation of new floorspace, or does not introduce new gas boilers, mitigation may not be required as part of the policy.	Agreed.
Paragraph 6.6	This paragraph misquotes the policy by stating that the policy must achieve or exceed air quality neutral standards <u>and</u> provide appropriate mitigation measures. This is an incorrect interpretation of the policy. Mitigation measures are only required if air quality	Amend para 6.6 as follows "Policy HS5 states that additional floorspace within the AQMA must achieve or exceed air quality neutral standards and or provide appropriate mitigation measures."	Agreed.

	neutral standards are not met. This paragraph needs re-wording.		
Paragraph 6.7	This paragraph introduces the concept of air quality assessments in a section which relates to additional floorspace within the AQMA. This is unlikely to occur in reality especially if the development is car free.	Delete paragraph 6.7 and instead insert a note in the subsequent section relating to air quality assessments for major development as they are more likely to be required.	Agreed.
Paragraph 6.8	This paragraph introduces the concept of exposure assessments which has no reference in the policy. This would rarely be required for smaller developments within the AQMA. The only time this would be required would be if a development proposes living accommodation in close proximity pollution hotspots such as Dunchurch Crossroads, or if biomass boilers were to be located next to residential. It is unlikely that the latter	<p>Replace para 6.8 and underneath insert the following subtitle:</p> <p>“Additional floorspace outside of the AQMA below 10 units or 1000 square metres.</p> <p>6.7 Some types of development may not be classified as major development and may not be located within the AQMA. These types of development may still have an impact on air quality, by virtue of their type and location in relation to areas of air quality exceedance or due to the very nature of their use. Examples include new residential floorspace in areas of high exceedance such as in proximity to the Gyrotory or Dunchurch Crossroads, or Biomass boilers. These types of schemes will primarily be determined in accordance with policy SDC 1, rather than HS5, which requires that:</p> <p>“proposals for new development will ensure that the living conditions of existing and future occupiers are safeguarded, and that “proposals for housing and other potentially sensitive uses will not be permitted near to or adjacent [to] sites where there is a potential for conflict between uses....Such proposals must be accompanied by supporting information demonstrating that the existing use and proposed uses would be compatible and that the proposal has addressed any</p>	Agreed.

	would be introduced in the AQMA given its urban nature. It is suggested that additional paragraphs in a separate section to cover this point.	<p>potential effects of the existing use on the amenity of the occupiers of the proposed development.”</p> <p>This includes air quality and the impacts upon existing or future occupiers and such proposals may need a bespoke air quality assessment and mitigation which is likely to be site specific. Further information may be sought from the Commercial Regulation Team as to the exact form of the air quality assessment required.</p>	
Paragraph 6.9	This paragraph needs to expand the policy itself, i.e. the need to be either air quality neutral, or to mitigate to an acceptable level where impacts are minimised.	<p>Suggest re-writing this to state:</p> <p>“6.9 It is important that all schemes that meet the above threshold should identify suitable assessment requirements and potential mitigation. in order to achieve or exceed air quality neutral standards or to mitigate their impacts successfully. It is recommended that early pre-application discussions are undertaken to consider the Council’s requirements.</p>	Not Agreed but further refinement needed. Suggest instead “Schemes that meet the above threshold are unlikely to be air quality neutral. They will therefore require mitigation.”
Paragraph 6.10	This paragraph needs to differentiate between when an air quality assessment is required, and when adherence to the policy is required. Currently it talks about air quality assessments without clarifying when they are needed. They will not be needed for all majors.	<p>Amend para 6.10:</p> <p>6.10 The scale and nature of a proposed development, together with its proximity to areas of air quality exceedences within the borough, particularly the Gyratory and Dunchurch Crossroads may mean that a detailed air quality assessment will be required to determine the impacts, especially if required as a result of non-planning air quality regulations. on public health and the local environment. Not all major schemes will require an air quality assessment as a result of their location, for example, if they are remote from air quality exceedance locations or if they are car free. Air quality assessments only measure vehicle trip emissions as a result of developments, not on-site emissions from gas boilers. Policy HS5 requires major development to be either air quality neutral, or to mitigate their impacts. An Air Quality Assessment may be a useful tool to contribute to this process, but it would</p>	Agreed.

	<p>The bullet points and following A, B and C do not make logical sense if we are explaining policy HS5 here. These points relate to DEFRA damage calculations that don't directly relate to policy HS5. These could be given in a different section (perhaps Appendix 1) or be part of a separate air quality note but this information needs to be placed in the correct context, and informed by the Regulation team as it is out of context here. Suggest selective deletion as shown and a more general paragraph about the quantification of impacts used instead.</p>	<p>not be the sole determining factor in meeting the policy as consideration of local on-site non car emissions is also required to be taken into account when considering mitigation. Further information on the specification of an air quality assessment can be obtained from the Council's Commercial Regulation Team and in Appendix 1.</p> <ul style="list-style-type: none"> • The identification of the level of exposure through the change in pollutant concentrations including cumulative impacts arising from the proposal, during both demolition/construction operations and operational phases. Mitigation measures should be identified and modelled where practicable • The calculation of pollution emission costs from the existing and proposed development. Where there is long development build out programmes, we may require the developer to consider a longer period than 5 years where construction activity is likely to be intensive. <p>A. the methodology to be used for the determining of pollutant concentration change should meet the requirements of the Department for the Environment, Food and Rural Affairs (DEFRA) Technical Guidance Note LAQM TG (16)⁴. Further details of the air quality assessment requirements can be found in Appendix 1 and through the Rugby Commercial Regulations Team.</p> <p>All major development is assumed not to be air quality neutral unless proven otherwise in comparison with the previous lawful use which may have been a higher polluting use (providing the use has not been abandoned). In demonstrating air quality neutrality, calculations such as the</p> <ul style="list-style-type: none"> B. The calculation should utilise the most recent DEFRA Emissions Factor Toolkit to estimate the additional pollutant emissions from a proposed development and the latest DEFRA IGCB Air Quality Damage Costs for the specific pollutant of interest, to calculate the resultant damage cost may be required. The damage costs associated with the existing/lawful development and the proposed development should be clear to assist 	<p>Agreed.</p>
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		<p>development management officers in assessing the overall impacts on air quality arising from the development.</p> <p>✎ A comparison of emissions from the proposed development with those associated with the previous use of the site and how the proposed mitigation measures aim to ensure that the development achieves air quality neutral would be a further consideration. Evidence must be provided to demonstrate emissions from the development being no worse, if not better, than those associated with the previous use would be required.</p>	
Paragraph 6.11	Damage costs needs refinement specifically	<p>Amend para 6.11:</p> <p>6.11 Development Management Officers may use the damage costs DEFRA Emissions Factor Toolkit on considering ...</p>	Agreed.
Paragraph 6.12	Is para 6.12 required? Doesn't it repeat paragraph 6.11	Delete paragraph 6.12	Agreed.
Paragraph 6.13	Set para in context.	Amend para 6.13 The DEFRA Emissions Factor Toolkit calculation process includes:	Agreed
Paragraph 6.14	It should be made clear that local air quality effects may still be needed for majors due to gas boiler emissions which are not calculated by the toolkit	<p>Amend para 6.14 as follows:</p> <p>6.14 The calculation is summarised below. Further information can be obtained from the Commercial Regulations Team. Should there be no net increase in trips arising from a development scheme then the damage costs are zero. Further information on damage costs can be found in Appendix 2. Whilst there may be no damage costs associated with vehicle trips, local on-site air quality impacts will still require mitigation, most likely in line with Type 1 mitigation, which would principally include the need for ultra-low emission boilers.</p>	Agreed
Paragraph 6.15	It may be that an air quality assessment is also assessed in terms of non-planning air quality regulations. A reference to this may be required.	<p>Amend para 6.15 as follows</p> <p>6.15 All Air quality assessments will be assessed by the Council against the requirements of this Supplementary Planning Guidance and any relevant non-planning air quality regulation requirements</p>	Agreed

<p>Pages 20 and 21</p>	<p>Page 20 has a 'Table 2 – Type 1 Mitigation', Page 21 has 'Table 3 – Type 2 Mitigation', and underneath Table 3, there is another 'Table 3 – Non-Road Mobile Machinery (NRMM) Controls.'</p> <p>Having two sequential tables both called 'Table 3' is confusing.</p>	<p>Re-name the second Table 3 to:</p> <p>“Table 4 – Non-Road Mobile Machinery (NRMM) Controls”</p>	<p>Agreed</p>
<p>Table 2</p>	<p>Reference to NRMM in Table 3 needs to be changed to Table 4</p>	<p>Change:</p> <p>“Code of Construction Practice Construction Environmental Management Plan (CEMP) to be incorporated into developments and agreed with Council Officers. This shall include NRRM controls (see Table 3 & 4)</p>	<p>Agreed</p>
<p>Para 6.21</p>	<p>This paragraph states:</p> <p>“Due to elevated concentrations of particulate matter in the Borough, developments will be required to implement suitable abatement controls for the use of non-road mobile machinery (NRMM) Table 3”</p>	<p>Amend para 6.21:</p> <p>“Due to elevated concentrations of particulate matter in the Borough, when development involves the use of non-road mobile machinery, developments will be required to implement suitable abatement controls for the use of non-road mobile machinery (NRMM); the mitigation for this type of development is listed in Table 4”</p>	<p>Agreed</p>

	The para needs to make it clear that not all developments will utilise non-road mobile machinery – in fact very few. It also needs to take into account that there are two tables named 'Table 3'.		
Table 2 – Type 1 Mitigation	<p>Include within the definition of 'Commercial – Leisure Developments'</p> <p>Also cross refer the definition of commercial</p>	<p>Add in a footnote to the term "Commercial"</p> <p>"Commercial¹, Industrial and Retail</p> <p>"¹Commercial includes Leisure developments in accordance with the definition in this SPD"</p>	Agreed
Table 3 – Type 2 Mitigation	<p>Within Table 3 the fifth bullet point refers to NRMM controls and points the reader to 'see Table 6' when it is below in Table 3</p>	<p>Change the reference in the fifth bullet point to Table 4:</p> <p>Table 3 – Type 2 Mitigation</p> <ul style="list-style-type: none"> • Monitored Travel Plan • Measures to support public transport infrastructure and promote use; • Measures to support an Electric Vehicle Plan • Non-road mobile machinery (NRMM) (see table 6 4) 	Agreed
Paragraph 7.6	<p>Double check that all Part A and B processes will actually require an air quality assessment.</p>	<p>Simplify text in para 7.6 as regulations may change over time: Industrial processes which may range from large industrial plant to dry cleaners and paint spraying workshops, are regulated by the Environment Agency (Part A1 processes) and the borough (Part A2 and Part B processes).</p>	Agreed
Paragraph 7.11	<p>Some of the requirements are quite specific and are not mentioned in policy HS5 (such as sensitive</p>	<p>Text is purely advisory and is not setting out a policy requirement. Text does not need to change.</p>	No Change

	development needing to be 20m from the kerb). Consider if this paragraph is introducing policy in the SPD which would not be lawful.		
Paragraph 7.12	Refer back to policies HS5 or SDC1	Amend para 7.12: Where the above considerations cannot achieve acceptable exposure for a sensitive development then consideration should be given to the refusal of the scheme if the proposal conflicts with policy HS5 or SDC1.	Agreed
Appendix 1 title	Change title to be more specific	“Air Quality Assessment Protocol”	Agreed
Appendix 1 generally	Please consult with the Commercial regulation team to ensure that the way that Air Quality Assessments are carried out accord with this appendix	Noted	Agreed.

Table 1 – Air Quality Classification of Developments

Some development falls outside of policy HS5, some falls within it and needs to comply with the policy. The following table classifies the difference:

Scheme Type	Does HS5 apply or not?	Type of Mitigation
Development below 10 units or 1000 metres in floorspace which is outside the AQMA (regardless of whether or not it generates new floorspace)	Policy HS5 does not apply	No mitigation required

Development below 10 units or 1000 square metres which generates new floorspace and is inside the AQMA	Policy HS5 applies	Type 1 Mitigation
Development below 10 units or 1000 square metres which does not generate new floorspace inside the AQMA	Policy HS5 does not apply	No mitigation required
Development above 10 units or 1000 square metres (regardless of whether or not it is inside or outside the AQMA)	Policy HS5 applies	Type 1 and Type 2 mitigation required. If NRMM used as part of scheme, Table 4 applies

There are some types of development, such as Biomass boilers, that will require air quality considerations as part of SDC 1. These types of development are explained within section 7

Response – Add table to SPD.

Appendix A– A list of consultees who made representations

First Name	Surname	Organisation
Rosamund	Worrall	Historic England
Joanna	Ellershaw	Harborough DC
Shenagh	Hume	
Gill	Peacock	Dunchurch Parish Council
Daniel	Lamb	Warwickshire CC Lead Flood Authority
Councillor Neal	Sandison	
Gemma	Johnson	Barton Willmore on behalf of Taylor Wimpey
Gary	Stephens	Marrons on behalf of London & Quadrant
B	Coleman	
Parish	Clerk	Thurlaston Parish Council
Stephen	Lewington	
Maria	Meede	Wolston Parish Council
James	Chatterton	William Davis Ltd
Nick	Sandford	Woodland Trust
Louise	Steele	Framptons on behalf of Tritax Symmetry

Air Quality SPD Consultation Statement

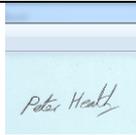
Anna	Jones	Homes England
Richard	Holt	Rugby BC
Henry	Biddington	Rugby BC

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
Tel: 01788 533509

Equality Impact Assessment

Service Area	Development Strategy
Policy/Service being assessed	Air Quality Supplementary Planning Document
Is this is a new or existing policy/service? If existing policy/service please state date of last assessment	This is a subsidiary document of the Rugby Borough Local Plan 2011-2031 that had its own EqlA as part of its statutory adoption process.
EqlA Review team – List of members	Peter Heath – Principal Policy Planner
Date of this assessment	21 May 2021
Signature of responsible officer (to be signed after the EqlA has been completed)	

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 or 01788 533509

Details of Strategy/ Service/ Policy to be analysed

<u>Stage 1 – Scoping and Defining</u>	
(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 HS 5 and SDC 1, providing guidance on how issues around air quality can be addressed by planning applications.
(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. Addressing air quality will help those breathing difficulties.
(3) What are the expected outcomes you are hoping to achieve?	Council is being asked to adopt the SPD following public consultation held from March to November 2020.
(4) Does or will the policy or decision affect: <ul style="list-style-type: none"> • Customers • Employees • Wider community or groups 	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 issue can be addressed will enable the Council to provide guidance on air quality issues, an identified problem within the Rugby Urban Area.
<u>Stage 2 - Information Gathering</u>	
(1) What does the information tell you about those groups identified?	The SPD is subsidiary to the Local Plan, so relies upon the extensive documentation already gathered for the Local Plan, which is available on the Council's website.

<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>Public consultation was held for an initial six weeks between 9th March and 20th April 2020. During this time the coronavirus pandemic struck the country and consultation did not close in April. In October 2020 all consultees were contacted informing them at consultation would formally close on the 20th November 2020. The public, developers/ landowners and stakeholders all had the opportunity to make representations to the consultations and all their responses have been considered with changes made where required.</p>		
<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>N/A</p>		
<p><u>Stage 3 – Analysis of impact</u></p>			
<p>(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? If yes, identify the groups and how they are affected.</p>	<p>RACE No adverse or negative impacts identified</p>	<p>DISABILITY No adverse or negative impacts identified</p>	<p>GENDER No adverse or negative impacts identified</p>
	<p>MARRIAGE/CIVIL PARTNERSHIP No adverse or negative impacts identified</p>	<p>AGE No adverse or negative impacts identified</p>	<p>GENDER REASSIGNMENT No adverse or negative impacts identified</p>
	<p>RELIGION/BELIEF No adverse or negative impacts identified</p>	<p>PREGNANCY MATERNITY No adverse or negative impacts identified</p>	<p>SEXUAL ORIENTATION 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 may result in improved air quality. This may help those with asthma and related breathing problems. Incidence of poor health are more likely to be found in those with protected characteristics.</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>Improving health outcomes for those with breathing related problems will not directly improve relations between groups but it is unlikely to worsen them.</p>
<p>(7) Are there any obvious barriers to accessing the service? If yes how can they be overcome?</p>	<p>None identified.</p>

<u>Stage 4 – Action Planning, Review & Monitoring</u>																														
<p>If No Further Action is required then go to – Review & Monitoring</p> <p>(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.</p>	<p>EqlA Action Plan</p> <table border="1" data-bbox="875 464 2116 692"> <thead> <tr> <th data-bbox="875 464 1120 539">Action</th> <th data-bbox="1120 464 1364 539">Lead Officer</th> <th data-bbox="1364 464 1615 539">Date for completion</th> <th data-bbox="1615 464 1865 539">Resource requirements</th> <th data-bbox="1865 464 2116 539">Comments</th> </tr> </thead> <tbody> <tr> <td data-bbox="875 539 1120 576"></td> <td data-bbox="1120 539 1364 576"></td> <td data-bbox="1364 539 1615 576"></td> <td data-bbox="1615 539 1865 576"></td> <td data-bbox="1865 539 2116 576"></td> </tr> <tr> <td data-bbox="875 576 1120 612"></td> <td data-bbox="1120 576 1364 612"></td> <td data-bbox="1364 576 1615 612"></td> <td data-bbox="1615 576 1865 612"></td> <td data-bbox="1865 576 2116 612"></td> </tr> <tr> <td data-bbox="875 612 1120 649"></td> <td data-bbox="1120 612 1364 649"></td> <td data-bbox="1364 612 1615 649"></td> <td data-bbox="1615 612 1865 649"></td> <td data-bbox="1865 612 2116 649"></td> </tr> <tr> <td data-bbox="875 649 1120 692"></td> <td data-bbox="1120 649 1364 692"></td> <td data-bbox="1364 649 1615 692"></td> <td data-bbox="1615 649 1865 692"></td> <td data-bbox="1865 649 2116 692"></td> </tr> </tbody> </table>					Action	Lead Officer	Date for completion	Resource requirements	Comments																				
Action	Lead Officer	Date for completion	Resource requirements	Comments																										
<p>(2) Review and Monitoring State how and when you will monitor policy and Action Plan</p>	<p>The Council 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.</p>																													

Please annotate your policy with the following statement:

‘An Equality Impact Assessment on this policy was undertaken on 21 May 2021 and will be reviewed on 21 May 2022.’



RUGBY BOROUGH COUNCIL

AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT (SPD)

ADOPTION STATEMENT

Notice is hereby given in accordance with Regulations 14 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) that the Air Quality SPD will be adopted by Full Council on 20th July 2021.

The adopted Air Quality SPD does not form part of the Development Plan but sits beneath the Local Plan. Its purpose is to provide additional detail and information to help guide and support the implementation of policies HS 5 and SDC 1 as specified in the Rugby Local Plan Adopted 2019. It is a material consideration in the assessment of planning applications.

Any person with sufficient interest in the decision to adopt the Supplementary Planning Document may make an application to the High Court for permission to apply for judicial review of the decision. Any such application must be made promptly in any event no later than 6 weeks after the date on which the SPD was adopted.

The adopted Air Quality SPD will be available to view online at https://www.rugby.gov.uk/directory/25/our_planning_strategies_policies_and_evidence/category/92

Paper copies of the Air Quality SPD can be supplied by post on request by contacting the Development Strategy team.

For any enquiries regarding the SPD please contact the Development Strategy team on 01788 533735 or e-mail localplan@rugby.gov.uk.

Appendix 5 - Strategic Environmental Assessment Screening Report.

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 Air Quality Supplementary Planning Document (SPD) 2020 is the Rugby Borough Local Plan 2011-2031 (adopted June 2019).

The SPD has been 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.

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	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

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 private projects on the environment, as amended by Council Directive 97/11/EC? (Article 3.2(a))		requirements to bring the development forward.
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.
Regulation 5 (5) Is the SPD sole purpose to serve national defence or civil emergency; a financial or budget PP or is it cofinanced 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. 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.
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	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?)
1. The characteristics of plans and programmes, having regard to:		
(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 affordable housing. It adds detail to the framework for development set out in the Local Plan.	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.	The Local Plan have been subject to a Sustainability Appraisal process.	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 compromise the objectives of higher level strategies.	No
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 of a site has started then the nature of the land will be changed and will not be reversible. 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	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	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	No

	effect would be minimal in both instances.	
(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.	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 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 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.	No

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.

AGENDA MANAGEMENT SHEET

Report Title: Updating Community Infrastructure Levy Viability Study

Name of Committee: Cabinet

Date of Meeting: 28 June 2021

Report Director: Chief Officer for Growth and Investment

Portfolio: Growth and Investment

Ward Relevance: Borough-wide

Prior Consultation: None

Contact Officer: Peter Heath Principal Planner Officer
Development Strategy 01788 533735

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: Yes

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: The Planning Act 2008 allows local authorities to introduce a community infrastructure levy.

Summary: A key piece of evidence in adopting a CiL is a viability study. This shows what rates an authority can realistically charge. If the council wants to adopt a CiL the viability study, now almost 2 years old, needs to be updated.

Financial Implications: Having up to date evidence enables a decision to be made to decide whether or not to proceed with CiL, which will bring in income for infrastructure, if adopted.

Risk Management Implications: A risk assessment has been completed and documented. The key risks relate to proceeding to adopt CiL without an up to date evidence base which would mean a strong possibility of failure at Examination in Public.

Environmental Implications: There are no environmental implications for the Council as a result of this decision.

Legal Implications: The decision will ensure that the matter has been dealt with in a correct legal manner.

Equality and Diversity: An Equality Impact Assessment on the AQ SPD was undertaken in April 2021 and is appended to this report.

Options: Option 1 – That Cabinet notes that funding for up to £10,000 to update the Viability Study will be used from existing resources

Risks: none

Benefits: This will enable the Council to update the viability study.

Recommendation: The use of up to £10,000 to update the Community Infrastructure Levy Viability Study, from existing resources, be noted.

Reasons for Recommendation: Having an updated viability study increases the chances of the Council being successful in adopting a CiL.

Cabinet 28 June 2021

Updating Community Infrastructure Levy Viability Study

Public Report of the Chief Officer for Growth and Investment

Recommendation

The use of up to £10,000 to update the Community Infrastructure Levy Viability Study, from existing resources, be noted.

1. Introduction

- 1.1 This report is to note that that £10,000 from existing resources is to be used to update the Viability Study for the work on the possible introduction of a Community Infrastructure Levy (CiL). This follows on from feedback from the Senior Management Team following a report to them on the options of moving forward to adopt a CiL.

2. Background

- 2.1 The Community Infrastructure Levy Regulations (2010) (as amended) allows a council to seek funding for infrastructure from planning applications based on a flat rate charged per square metre of floorspace. Rates can be varied by land use and/or geography. The proposed rates must be set out in a charging schedule that is subject to a six week public consultation and an examination in public. At the examination in public a council must provide evidence that the rates it intends to charge would not have such an adverse impact on development viability that they would prevent most development from coming forward. Therefore an up to date viability study is a crucial piece of evidence.

3. Evidence

- 3.1 BNP Paribas were commissioned to produce a viability study on the potential rates the authority could levy if it were minded to introduce a Community Infrastructure Levy. That report was received in September 2019. Since then there has been the Covid pandemic, the economic readjustment due to Brexit and changes to the planning system (certain types of development viewed as viable have since been merged with unviable types of development). In light of these changes an update to the viability study is seen as necessary.

4. Implications

- 4.1 Adopting a Community Infrastructure Levy allows councils to seek funding for infrastructure from planning applications based on a rate charged per square metre of floorspace. Before a council can introduce its charges it must undertake an examination in public. At the examination in public it must provide evidence that the rates it intends to charge would not have such an adverse impact on development viability that they would prevent most development from coming forward. The key piece of evidence, which will come under intense scrutiny from developers, and the independent inspector is the viability study;

this needs to be both robust and up to date. Proceeding without an up to date viability study is not recommended as it would be subject to challenge via the adoption process. Funding for this would be obtained from existing resources.

5. Conclusion

- 5.1 It is therefore recommended that the Viability Study is updated which would allow the council the best chance of succeeding at examination in public if it chooses to proceed with introducing a CiL.

Name of Meeting:

Date of Meeting: 28 June 2021

Subject Matter: Request for Funding – Updating Community Infrastructure Levy Viability Study

Originating Department:

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

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink
1	Equalities Impact Assessment

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

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
Tel: 01788 533509

Equality Impact Assessment

Service Area	Development Strategy
Policy/Service being assessed	Request for funding for an update to Viability Study.
Is this is a new or existing policy/service? If existing policy/service please state date of last assessment	Introducing a Community Infrastructure Levy would be a new source of revenue for the authority.
EqlA Review team – List of members	Maxine Simmons - Development Strategy Manager Peter Heath - Principal Planning Officer
Date of this assessment	28 April 2021
Signature of responsible officer (to be signed after the EqlA has been completed)	

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 or 01788 533509

Details of Strategy/ Service/ Policy to be analysed

<u>Stage 1 – Scoping and Defining</u>	
(1) Describe the main aims, objectives and purpose of the Strategy/Service/Policy (or decision)?	Introducing a Community Infrastructure Levy would enable the council to raise revenue from development. An up to date viability study is a key piece of evidence needed to justify the rates charged.
(2) How does it fit with Rugby Borough Council's Corporate priorities and your service area priorities?	It primarily fits in with priorities on: <ul style="list-style-type: none"> • Optimise income and identify new sources of income • Prioritise use of resources to meet changing customer needs and demands
(3) What are the expected outcomes you are hoping to achieve?	An updated viability study increases the council's chances of being successful in introducing CIL charges.
(4) Does or will the policy or decision affect: <ul style="list-style-type: none"> • Customers • Employees • Wider community or groups 	Not at this early stage.
<u>Stage 2 - Information Gathering</u>	
(1) What does the information tell you about those groups identified?	Not applicable at this stage.

(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?	Senior Management Team have agreed to seeking member approval to update the viability study.		
(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.	No consultation will be needed.		
<u>Stage 3 – Analysis of impact</u>			
(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? If yes, identify the groups and how they are affected.	RACE None	DISABILITY None	GENDER None
	MARRIAGE/CIVIL PARTNERSHIP None	AGE None	GENDER REASSIGNMENT None
	RELIGION/BELIEF None	PREGNANCY/ MATERNITY None	SEXUAL ORIENTATION None

<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>	<p>Not at this initial stage.</p> <p>Not at this initial stage.</p>
<p>(3) If there is an adverse impact, can this be justified?</p>	<p>N/A</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>N/A</p>
<p>(5) How does the strategy/service/policy contribute to the promotion of equality? If not what can be done?</p>	<p>Not at this initial stage.</p>
<p>(6) How does the strategy/service/policy promote good relations between groups? If not what can be done?</p>	<p>Not at this initial stage.</p>
<p>(7) Are there any obvious barriers to accessing the service? If yes how can they be overcome?</p>	<p>N/A</p>

<u>Stage 4 – Action Planning, Review & Monitoring</u>																														
<p>If No Further Action is required then go to – Review & Monitoring</p> <p>(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.</p>	<p>No further action is required.</p> <p>EqlA Action Plan</p> <table border="1" data-bbox="875 464 2116 692"> <thead> <tr> <th data-bbox="875 464 1122 539">Action</th> <th data-bbox="1122 464 1368 539">Lead Officer</th> <th data-bbox="1368 464 1615 539">Date for completion</th> <th data-bbox="1615 464 1861 539">Resource requirements</th> <th data-bbox="1861 464 2116 539">Comments</th> </tr> </thead> <tbody> <tr> <td data-bbox="875 539 1122 576"></td> <td data-bbox="1122 539 1368 576"></td> <td data-bbox="1368 539 1615 576"></td> <td data-bbox="1615 539 1861 576"></td> <td data-bbox="1861 539 2116 576"></td> </tr> <tr> <td data-bbox="875 576 1122 612"></td> <td data-bbox="1122 576 1368 612"></td> <td data-bbox="1368 576 1615 612"></td> <td data-bbox="1615 576 1861 612"></td> <td data-bbox="1861 576 2116 612"></td> </tr> <tr> <td data-bbox="875 612 1122 649"></td> <td data-bbox="1122 612 1368 649"></td> <td data-bbox="1368 612 1615 649"></td> <td data-bbox="1615 612 1861 649"></td> <td data-bbox="1861 612 2116 649"></td> </tr> <tr> <td data-bbox="875 649 1122 692"></td> <td data-bbox="1122 649 1368 692"></td> <td data-bbox="1368 649 1615 692"></td> <td data-bbox="1615 649 1861 692"></td> <td data-bbox="1861 649 2116 692"></td> </tr> </tbody> </table>					Action	Lead Officer	Date for completion	Resource requirements	Comments																				
Action	Lead Officer	Date for completion	Resource requirements	Comments																										
<p>(2) Review and Monitoring State how and when you will monitor policy and Action Plan</p>	<p>This EqlA will be reviewed again when/if the local community produce a neighbourhood plan.</p>																													

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).’

AGENDA MANAGEMENT SHEET

Report Title: Adoption of Tree Policy

Name of Committee: Cabinet

Date of Meeting: 28 June 2021

Report Director: Chief Officer - Leisure and Wellbeing

Portfolio: Leisure and Wellbeing

Ward Relevance: All Wards

Prior Consultation: Climate Change Working Group, all elected members, Legal services, Finance, Risk Management, Regulatory Services, Planning, external partners

Contact Officer: Chris Worman - Parks & Grounds Manager

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):
 Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C)
 Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E)
 Residents live healthy, independent lives, with the most vulnerable protected. (HC)
 Rugby Borough Council is a responsible, effective and efficient organisation. (O)
[Corporate Strategy 2021-2024](#)
 This report does not specifically relate to any Council priorities but

(C) Climate
(E) Economy
(HC) Health and Communities
(O) Organisation

Summary: Cabinet approved the development of a Tree Policy and proposed consultation. The final Tree Policy is for approval.

Financial Implications:	Existing resources are to be utilised to deliver this policy and there is no financial impact in the medium term of adopting the tree policy
Risk Management Implications:	A Tree Policy would support the Council to effectively manage the risks associated with its tree stock.
Environmental Implications:	<p>A Tree Policy would support the Council's Corporate Strategy priorities of:</p> <ul style="list-style-type: none"> • Look after our green spaces and create new ones in quality new developments. • Manage and use green spaces creatively to benefit biodiversity, health and wellbeing. • Involve our residents in caring for their green spaces. <p>A Tree Policy will support the Council's broader work relating to the declaration of a Climate Emergency.</p>
Legal Implications:	Rugby Borough Council is responsible for the management and maintenance of trees on Council owned land. It has a responsibility to ensure those trees do not pose a risk to public safety, do not give rise to other health & safety matters and are well managed and maintained. The Tree Policy sets out the Council's approach to managing and maintain its tree stock in furtherance of this responsibility
Equality and Diversity:	There are no Equality and Diversity implications
Options:	<ol style="list-style-type: none"> 1. That Cabinet approves the tree policy. 2. That Cabinet does not approve the tree policy
Recommendation:	IT BE RECOMMENDED TO COUNCIL THAT the Tree Policy be adopted.
Reasons for Recommendation:	Approving the recommendations will support the Council toward ensuring a consistent approach to managing its tree stock and supports our work with the Climate Emergency

Cabinet - 28 June 2021

Adoption of Tree Policy

Public Report of the Chief Officer - Leisure and Wellbeing

Recommendation

IT BE RECOMMENDED TO COUNCIL THAT the Tree Policy be adopted.

1. Introduction

1.1 Currently, there is no policy which sets out the Council's approach to managing its tree stock, responding to customer enquiries regarding trees and the contribution which trees make to broader community wellbeing.

1.2 On 7th February 2019, the Brooke Overview and Scrutiny Committee considered a light touch review of Trees and Hedges. The committee concluded that the development of a Tree Policy was essential to protect Rugby's trees and green infrastructure for future generations and resolved to recommend to Cabinet that a Tree Policy be developed and adopted by Council.

1.3 Cabinet received the first draft of the Tree Policy at cabinet on 2nd September 2019 and agreed for the policy to go out to formal consultation with our partners. The final draft was presented to Cabinet in July 2020 and was deferred for final member engagement. This was circulated to all members during September 2020 along with reports into the the Climate Emergency Group in December 2020 with a subsequent recommendation to take the policy to cabinet for approval. A final round of member consultation was undertaken in late April 2021.

1.4 The attached policy is the final agreed version.

2. Consultation

2.1 The draft Tree Policy was circulated to the following partners for consultation:

- Warwickshire County Council
- Rugby Borough Council Planning department
- Rugby Borough Council Legal department
- The Woodland Trust

- The Warwickshire Wildlife Trust
- All elected members
- RBC Climate Change Working Group.

2.2 The policy seeks to provide a consistent approach to trees in a number of key areas, including:

- Management and inspection of trees on Council owned land, including tree planting.
- Advice and guidance in relation to requested remedial tree works.
- Wildlife and conservation
- Vandalism and antisocial behaviour
- The Council's management of trees in relation to planning applications.
- Tree preservation orders (TPOs)
- Hedgerow regulations and management

3. Consultation Comments

3.1 Comments were received and added into the policy from the following groups and organisations.

- Warwickshire County Council
- Rugby Borough Council Planning department
- Rugby Borough Council Legal department
- Rugby Borough Council elected members
- Climate Change Working Group. (RBC)
- The Woodland Trust
- The Warwickshire Wildlife Trust

Name of Meeting: Cabinet
Date of Meeting: 28 June 2021
Subject Matter: Adoption of Tree Policy
Originating Department: Leisure and Wellbeing

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

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

Appendix 1. Adoption of Tree Policy.

The following general questions, comments and observations were received during the consultation processes, along with responses where appropriate.

1st Phase of consultation.

Comment	Action
The policy is a good opportunity to embed practices that may be only small changes but with great benefits and more knowledgeable species conservation organisations.	Noted
Key to the delivery is for local authorities to create and deliver local emergency tree plans. Having a local emergency tree plan will help your authority deliver on a wide range of issues important to your local communities, the climate and nature. Completing this simple checklist allows you to assess where your authority is currently at, and will be the starting point for discussions over the potential funding of projects.	Document amended
What about fruit trees in parks	Noted
With regard to increasing tree cover, I hope that unimproved grassland will not be planted on as it's even rarer than woodland. The policy of encouraging tree planting on areas without them could cause a loss of valuable habitat.	Noted
I think you have given us sufficient scope to carry out our typical hedge, scrub and tree managements tasks in the reserves that we manage.	Noted
NPPF has been replaced by the February 2019 NPPF. New link to include at the end of the document:	Document amended
High Hedges- Extra 'a' in second paragraph.	Document amended
Don't agree that work should not be done on trees with telephone wires in them. Telephone wires carry internet to landlines and if there is a problem then the appropriate work should be carried out to ensure the telephone wire is free	Most urban trees have telephone wires going through them (mainly street trees which are the responsibility of WCC) Telephone wires are very tough and thickly insulated to prevent damage. Internet providers prefer underground wires.
Where possible, the trees should be native species appropriate to the area where they are being planted	Yes species choice is based on case by case basis. Lots of non-native trees have value too (Walnut, Wellingtonia, Sweet Chestnut etc)

Suggest encouraging developers to put up swift boxes	This is more applicable for buildings.
Can we add potential partners and add in timescales	Document Updated
Hedgerow regulations (1997), Do we have up-to-date hedgerow surveys that date the hedges and identify the species? This could be invaluable when we are dealing with planning applications	WCC ecology unit hold habitat records. Developers have to provide survey data to ourselves for assessment.
Suggest adding Hedgerow Surveys - to date and identify	We would only survey hedgerows if a hedgerows regulation notification is received due to the resources implication.
The draft planning White Paper suggests tree-lined streets, this would need to be addressed in this document	This is still a draft planning document. It welcomes the need to make places beautiful, but is cautious in how this is practicable and makes suggestions in relation to resources

2nd Phase of consultation – generic questions.

<p>Welcome the policy in terms of the conservation area. Whilst we should conserve mature native species or feature trees in the locality like Yew, Holly, Beech, Chestnut not so sure of the conservation value of non-native ornamental trees like Japanese flowering Cherry, Blossoming trees have some ecological value in terms of pollination, but householders may wish to change garden design to reflect the period of the dwelling and a blanket ban on removal will inhibit this.</p> <p>Sycamores and other species, are non-native but naturalised. They are invasive and destructive of walls and bridges and will grow in gutters or any soft sandy surface mortar to the detriment of the structure.</p>	Noted
What is the average cost per tree of the 700 trees that require pruning each year	This year it is £11 per tree to remove epicormic growth from around base and on the central stems of the trees

<p>When trees are so heavily pollarded, they resemble a trunk with short shoots of new growth; would it be best to replace with a new young tree, that will require little or no maintenance for some years and will look like a tree in shape? (Clifton Road trees are an example).</p>	<p>Clifton Road Limes (which are highways trees not RBC) have been pollarded for the last 100 years or so. They are a historic component of the landscape and have many amenity/biodiversity/landscape/health benefits. They are a “hybrid tree” and therefore are very tough and durable and can take pollarding. Pollarding is a traditional way to manage Lime trees and enables large trees to be retained in urban areas and in relative close proximity to properties and highways, especially when much work goes on around them (services in pavements etc). You will see these in most towns and cities and these were traditionally planted in urban areas by the Victorians and Edwardians, to deal with air pollution (which is very much an ongoing and current issue). Pollarding extends the lifespan of Limes and in my opinion have their own positive landscape quality. Hopefully they will be there for many more years. They are pollarded approx. every 5-7 years depending on WCC works schedules.</p>
<p>In the planning system, RBC agree to planting schemes adjacent to highways at application stage, so if RBC are not responsible for maintaining trees adjacent to highways or footways, why do they allow them to be included in planting schemes; knowing that in the future maintenance will be required and may present a danger to road users if they are not maintained?</p>	<p>In line with the NPPF and RBC Local Plan, trees are planted to enhance planning applications whether it be for amenity/screening/biodiversity/air quality etc. When we approve planting schemes we ensure the right tree is planted for that particular location. For example, in a confined location we will recommend a small upright growing tree which will not interfere with properties or highways. All tree owners have a duty of care to maintain reasonable care of their tree stock and planting of trees should not be discouraged because they might cause an issue in the future. Landscaping is very important in new developments.</p>

<p>WCC highway engineers do not seem to understand the danger posed by dying or rotten trees/branches hanging over highways or about to fall into the highway. Could the RBC tree officer identify and give proper advice to them in order to progress a system to reduce potential hazard to life in the borough?</p>	<p>In relation to hazardous private trees near WCC highways in the locations as mentioned, this would be a WCC function (and their forestry section). We believe they do try to deal with issues of this nature. I'm afraid it is not within our resource capability to assess the hundreds of miles of highways and private trees within the borough, especially when we have our own considerable tree stock across the borough to manage and maintain. This would be a WCC responsibility.</p>
<p>As mentioned before, could all RBC owned hedgerows be maintained by laying in the old traditional way, when mature enough to do so? (and encourage landowners to do the same, rather than fail to cut or fail to maintain at all!— particularly adjacent highways)</p>	<p>Some RBC hedges are laid e.g. cock robin wood and Whinfield Cemetery are 2 recent examples. Most agricultural hedges are mechanically failed nowadays due to modern mechanisation and cost. I think pre-mechanisation, Farms would employ hundreds of people to undertake tasks like hedge laying as it is very time consuming and labour intensive especially given the hundreds of miles of hedgerow you see in the countryside. You do still see good examples of this though and Warwickshire wildlife trust are looking to support this type of hedge management</p>
<p>I would suggest that all storm drains/ditches be kept clear of trees or growth likely to create leaf fall/detritus into these drainage systems and hence potential compromises to the efficiency of the drainage system (eg. Butlers Leap storm drain)</p>	<p>The works that have recently taken place at Butlers Leap flood plain were undertaken on the advice of the EA. The EA do have enforcement powers to ensure the flood defences operate as designed.</p>



Rugby Borough Council Tree Policy

March 2021

David Gower - Arboricultural Officer BSc, HND, Arb MArborA LANTRA accredited Professional Tree Inspector (Rugby Borough Council)

Contents

Policy Framework

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1.0 Policy Framework

1.1 National Policy

The National Planning Policy Framework (produced by the Ministry of Housing, Communities and Local Government in 2011) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system to perform a number of roles focused on the protection and enhancement of the natural environment.

1.2 Local policy and Rugbys vision for the future of trees

The Council is committed to sustainable development and improving the environmental wellbeing of the borough, through the services that we provide and by reducing the adverse effects of our own actions.

Our Corporate Strategy commits us to enhancing our open spaces and making them places where people want to be. This commits the Borough Council to;

- Look after our green spaces and create new ones in quality developments
- Manage and use green spaces creatively to benefit biodiversity, health and wellbeing
- Involve residents in caring for their green spaces.

The declaration of the recent Climate Emergency and the emerging action plan will have a significant impact on this Strategy. (see section 4)

1.3 Policy Statement

The Council aims to raise the profile, value and appreciation of trees in the borough, to improve understanding of tree issues and manage expectations. We will: manage and enhance the urban tree stock in accordance with good arboricultural practice; improve the protection given to trees to ensure the character of localities is preserved; raise the level of tree cover to realise the many benefits of trees and to mitigate against the effects of climate change; minimise the incidence of tree-related subsidence; and improve the handling of insurance claims; reducing the inconvenience caused to residents and the financial implications for the Council. The council recognises that it must seek to achieve these aims in the context of financial constraints. Wherever possible, we will take up opportunities to seek external funding to support the planting of new and replacement trees. We aim to be open about this reality in our relations with the residents we serve.

2. Introduction

Rugby's trees are of considerable cultural, aesthetical, and biological asset within the borough with numerous public benefits including:

Improved visual amenity

Increased biodiversity

Air quality, including Carbon dioxide (CO₂) and Nitrogen dioxide (NO₂) absorption

Rainfall interception and decreased surface run-off

Heritage associations

Social and economic factors

Mitigating the effects of climate change

Providing shade during hot weather

Providing a local source of fruit

Providing an attractive landscape / public realm

Rugby borough benefits from a diverse arboricultural resource, both in its urban and rural areas, for the enjoyment of all.

The council intends to manage its trees so that they make a positive contribution to the locality, are reasonably safe and do not cause excessive nuisance. Equally we wish to see more people benefit from the presence of trees by ensuring a more equal distribution of tree cover across the town and wider borough.

Trees are dynamic organisms where health and condition may fluctuate, especially in densely populated areas. It is therefore important that a management program is in place to ensure that Rugby Borough Council meets its duty to take reasonable care of its tree stock through regular tree inspections and implementation of tree works where identified.

Rugby Borough Council is responsible for tens of thousands of trees across 162 Parks and open spaces and housing sites along with 4 cemeteries and a Crematorium. Rugby Borough Council are not responsible for trees located within Warwickshire County Council street verges.

Trees in private ownership are the responsibility of the private landowner.

3. Purpose

The overall aim of the tree policy is to ensure that the Council's tree stock is retained, enhanced and increased in the most proactive manner whilst ensuring the health, safety and well being of the public and property.

This policy is intended to provide direction and ensure a consistent approach to trees in a number of key areas, including:

- The management and inspection of trees on Council owned land, including tree planting
- Advice and guidance in relation to requested remedial tree works.
- Vandalism and antisocial behaviour
- The Council's management of trees in relation to planning applications

- Tree preservation orders (TPOs)
- Hedgerow regulations and management

4. Climate Emergency

Rugby Borough Council declared a climate emergency at a meeting of the Council held on Thursday 18 July 2020 and follows the United Nations Intergovernmental Panel on Climate Change 'Special Report on Global Warming' (2018) and The Committee on Climate Change's report 'Net Zero – the UK's contribution to stopping global warming' (May 2019).

This recognises the importance of this issue and the role which the Borough Council has in responding to climate change. To demonstrate this the Council has committed to be carbon neutral by 2030, along with, calling on Central Government to provide the powers and resources to enable Rugby Borough Council to help deliver the UK's carbon reduction target.

Trees, hedges and woodland clearly have a major part to play in this commitment.

5. Management and inspection of trees on land owned by Rugby Borough Council

The Council is responsible for the management of trees on upwards of 162 sites containing tens of thousands of trees on public open spaces, cemeteries, or housing land. Trees which the Council is responsible for are routinely inspected every 3 to 5 years.

Tree inspections are carried about by a qualified Arboricultural Officer and Tree inspector. The aim of tree inspections is to assess the condition of the trees in relation to its site context and frequency of use. Tree inspections are carried out using a web-based computer management program where data is recorded, and any subsequent tree works recommendations which are highlighted are programmed to be carried out and sent to the tree works contractor to be undertaken according to the level of priority and urgency.

5.1 Examples of where tree works will take place will include the following;

- Annual removal of basal growth from 700 limes located around the urban area.
- Pruning of lower branches (crown lifting) to facilitate access of pedestrians and vehicles.
- Crown reduction to lessen the sail area of a defective tree to lessen the chance of stem/branch failure.
- Removal of dead or dangerous trees.
- Removal of major dead wood (where it poses a health and safety threat*).
- The removal or pruning of trees where its relationship to a property causes excessive problems, for example tree canopy is growing in to the side of the property and causing direct damage.

- Stump removal to facilitate new planting. Stumps may be left en-situ and poisoned in areas where they are not deemed a trip hazard.
- * It is important to acknowledge the retention of dead wood is important in that it is as valuable as live wood for wildlife as long as there is no safety threat.

6. Tree Planting & Felling

The council is committed to maintaining and increasing the tree cover across the district. The Council will, subject to resources, encourage additional new tree planting throughout the borough. Planting will normally have priority in areas lacking trees and/or deficient in open green space, but the Council encourages new trees on all its sites and welcomes all requests and suggestions from the public.

Any increase in the borough's tree population will assist the authority in dealing with the effects of climate change and provide a greater resource for residents and visitors.

Through new tree planting the Council will seek to diversify the species mix within sites, to ensure a balance of amenity and wildlife value and mitigate the risks that monoculture and climate change present for tree management. The role of trees is more important than ever in mitigating the effects of climate change, which itself presents a threat to tree health. In recent years we have seen the rapid spread of pests and diseases internationally and the threat to trees is becoming greater. Examples include horse chestnut leaf miner, and ash dieback.

The spread of new species-specific diseases to the UK emphasises the importance of species distribution.

To ensure the continuity of the borough's urban tree stock the Council will seek to increase the variety of species within each site. Without this diversity some areas of the borough could be at risk of losing their tree cover altogether.

New trees are planted where appropriate (including the introduction of urban woodland planting) and planted 2-4 metres tall which make an immediate impact and are more resilient to vandalism.

Tree felling is seen as a 'last resort' operation and will only be carried out when deemed necessary by the Arboricultural Officer, for example for those trees deemed to present an

unacceptable health and safety risk. We therefore have a presumption in favour of retention of trees except where there are overriding arboricultural or health and safety considerations. Where trees are removed we advocate the planting three or more trees for every tree removed, preferably as close to the site of the original tree as possible.

As part of good arboricultural management the removal of trees will be carried out when the removal will benefit the long-term development of adjacent better quality trees i.e. woodland and copse management. Furthermore, formative pruning may be carried out following the Arboricultural Officer's inspections.

Tree planting is essential to ensure sustainability and to maintain or increase the tree population.

7. Communication and Publicity

The Council strives to increase the level of public awareness of our tree resource, by encouraging proactive communications on tree related matters.

Where it is proposed that major defective trees (i.e. those which are likely to cause public interest) are removed these will always be publicised and ward councillors will be given an opportunity to comment.

8. Public enquiries

Trees can be very emotive and can cause conflict with the general public whom may raise issues in relation to perceived light loss, the nuisance of overhanging branches or issues with nesting birds and associated excrement for example.

Rugby Borough Council do receive a considerable volume of public enquires which can result in a strain in resource considering the volume of sites under its management. In 2018 625 public enquires were received in relation to trees on Rugby Borough Council owned land. Enquiries can rise sharply in response to adverse weather events which periodically occur for example wind and snow.

A robust tree inspection regime and tree works maintenance program goes some way to lowering the amount of tree enquiries. Also, consideration to planting the right tree in the right place is vitally important so trees can co-exist successfully with properties in close proximity.

Following an enquiry, a response will be provided within 20 working days of receipt with details of any proposed action.

8.1 Felling or pruning will not be carried out for the following reasons;

- Blocking light
- Television or satellite signals
- Leaf, fruit or nut drop
- Blossom
- Unfounded allegations of subsidence or direct damage
- Perceived threat that the tree is “too big”
- Bird droppings
- Aphids/sap
- Individuals medical conditions
- Residents do not like the tree
- Overhanging branches in resident’s gardens unless proven to be causing direct damage to property (residents have a common law right to prune overhanging branches back to the boundary line only).
- Construction of dropped kerbs or new driveways
- To improve a view
- To remove or reduce incidence of bees, wasps or wild animal.
- Telephone wire in tree

The above list is not exhaustive, but represents a large number of the customer enquiries/complaints that Rugby Borough Council receive. To prune/remove trees for these reasons alone is not sustainable, practicable or beneficial for long term tree management goals.

9. Wildlife and Conservation

Rugby Borough Council must adhere to a number of wildlife and conservation laws for example, The Wildlife and Countryside Act 1981 as amended by the Countryside Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010 which places legal obligations on the protection of wildlife species and habitats. Trees and woodlands are important wildlife habitats.

A defective tree with decay cavities can provide a good habitat for birds and bats as well as many other microorganisms. Therefore, it is important trees are checked prior to removal especially if there is potential for bat activity etc. Bats and their ‘roost’ sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and

Species Regulations 2010, the latter of which deems them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used.

The authority recognises the different levels of risk represented by a defective tree. For a defective tree with higher level of probability of failure its retention may be deemed appropriate in the interests of biodiversity in areas where there is a low frequency of usage e.g. within a woodland setting away from a defined public footpath.

10. Subsidence

Subsidence is a complex interaction between the soil, building, climate and vegetation that occurs on highly shrinkable clay soils when the soil supporting all or part of a building dries out and consequently shrinks, resulting in part of a building moving downwards. Trees lose water from the leaves through transpiration that is replenished by water taken from the soil by the roots. If the tree takes more water from the soil than is replaced by rainfall the soil will gradually dry out. Trees have a large root system and they can dry the soil to a greater depth, critically below the level of foundations. The amount of water trees can remove from the soil can vary between different species.

If it is believed that a property is suffering (or could potentially suffer from) subsidence damage due to the action of trees in council ownership/managed by the council, property owners are advised to contact their property insurer in the first instance to discuss these concerns and agree an appropriate course of action.

Should property owners, wish to make a claim for damages against the council, alleging that a council owned/managed tree is causing subsidence damage, then they should contact the Rugby Borough Council Legal Service Department

11. Trees in the planning system

Rugby has seen significant urban growth in recent years. This can put pressure on existing tree stock. Indeed, many potential development sites contain trees, many of which have the potential to enhance a proposed development. Some may be at risk of removal to facilitate a planning proposal.

Trees are a material consideration in relation to a development proposal and must be assessed in accordance with [BS 5837:2012](#) Trees in relation to design, demolition and construction – Recommendations.

If there are trees established within a site proposed for development the developer is required to consider this within an [BS5837:2012](#) Tree report to include an arboricultural Implications Assessment. Trees established outside the proposed development site and

within 10m of the boundary may also be required to be considered within an Arboriculture Implications Assessment in line with [BS 5837:2012](#).

An Arboriculture Implications Assessment must be undertaken by an individual qualified and experienced in arboriculture and development.

Where trees are agreed to be removed so as to accommodate an approved development the applicant will be required to submit for approval a new landscape scheme. Applications are based on a case by case basis, looking at site context and potential landscaping issues in terms of proposed tree losses, screening, visual amenity and biodiversity. Carefully selected provision of new tree planting can greatly enhance a new development.

All new landscape schemes must also include an appropriate maintenance programme to include: weed control, watering regime, checking, adjustment and removal of support systems, mulching and replacement of any trees/plants that fail to establish during the initial 5 or 10-year period post planting.

It may be deemed appropriate to protect trees by a virtue of a Tree Preservation Order (TPO) and a considerable volume of TPO's have been served over recent years.

If specific trees are being retained within a development scheme it is important to ensure they are successfully incorporated to ensure tree(s) and the new built form can co-exist with minimal or no direct impact upon each other and as per the recommendations of [BS5837:2012](#).

Some planning applications may be accompanied by a Landscape and Visual Assessment which identify the effects of new developments (i.e. where there will be a change resulting from development) on views and on the landscape itself, looking at the existing landscape character, its sensitivity, condition and its ability to except change. We will assess these as per the Guidelines for Landscape and Visual Impact Assessment (GLVIA) and respond as appropriate, possibly suggesting mitigation planting to lessen the visual impact of a design proposal.

12. Tree Preservation Orders (TPO)

A tree preservation order is used to protect those trees where it is deemed expedient in the interests of visual amenity to do so especially where it is considered that a specific high value tree or trees maybe at risk from removal. For example, a mature tree in good condition which is highly visible from a public place and makes a considerable positive contribution to the character of local area may be considered for a TPO especially if it is at risk from removal as a result of a planning application.

Rugby Borough Council currently administers 410 Tree Preservation orders across the borough. The earliest was made in 1951. Over half of these TPO's have been made in the last 14 years. A TPO may contain one tree or thousands within a woodland.

TPO's are usually made on trees on private land. If a land owner wishes to prune or remove a protected tree they must make an application to the council to do so and await formal written permission.

On average Rugby Borough Council receive 127 tree works applications per annum, including notifications of tree works in conservation areas.

For tree works applications where there are concerns regarding the condition of the tree or there is alleged damage to property, applicants must submit written arboricultural advice or other diagnostic information from an appropriate expert. Similarly, if a tree is implicated in a subsidence claim or other structural damage a report by an engineer or surveyor (to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals) and a report from an arboriculturist must be submitted to support the tree work proposal.

It is an offense to remove or prune a protected tree without written permission. There have been recent cases where Rugby Borough Council have prosecuted because of unlawful removal of trees and will continue to do so if Tree Preservation Orders are violated.

13. Trees in Conservation areas

Conservation areas protect areas of special architectural or historical interest and the Council has extra powers to control development. Rugby currently has 19 conservation areas across the borough which also enjoy diverse tree cover and contribute to the overall character and quality of those areas.

It is an offence to cut down, uproot, top, lop deliberately destroy or damage a tree in a conservation area. Tree owners must give the council 6 weeks written notice of their intentions. This is called a "section 211" notice. The Council then have 6 weeks to decide whether to allow works to proceed or stop the works by placing a TPO on the subject tree(s). A TPO would be made if the impact of proposed tree works/removal are likely to have an adverse impact on visual amenity in the local area.

We will respond to trees in Section 211 notices for works in a conservation area and hedgerow notifications within 6 weeks.

14. Hedgerow regulations (1997)

These regulations intend to protect important countryside hedges from destruction or damage. Land owners whom wish to remove countryside hedge must give the Council 6

weeks written notice by submitting a Hedgerow removal notice. The Council must then decide if that hedgerow is “important” by virtue of its ecological and historical significance.

We will respond to hedgerow removal notifications within 6 weeks.

15. High Hedges legislation (2005)

The high hedges legislation gives the Council powers under the Anti-Social behaviour Act to serve notice on the owners of nuisance hedges where the hedge has been judged to be affecting the reasonable enjoyment of a complainant’s property by assessing the effect of light loss to gardens and windows.

16. Useful work by residents

Some residents have in the past asked how they can enhance the utility of trees, for example by removing low hanging leaves from trees. It is important to remember that there are significant health and safety and legal implications when working on trees and this needs to be carefully considered on a case by case basis. Any unlawful and unauthorised work to any Council owned tree is liable to lead to legal action.

However we are grateful to any resident who can assist with any of the following:

- Apply water to any tree, particularly young saplings.
- Loosen any tree ties that have become too tight.
- Report any pests and diseases
- Sponsor a new or replacement tree

17. Partnerships

We will continue to work in partnership with a number of bodies including;

- Warwickshire Wildlife Trust on a number of sites including the Great Central Way, Swift Valley Country Park, Windmill Spinney, Newbold Quarry and Cock Robin Wood.
- The Woodland Trust and Forestry Commission for the recent planting of new woodland planting across the borough.
- DEFRA
- Groundwork West Midlands
- Conservation Volunteer Trust
- Warwickshire County Council forestry and ecology department
- Birmingham City Council arboricultural services
- Various “friends of” parks groups and volunteers

Partnership work can involve a variety of tasks from trees planting and coppicing to the installation of bat/bird/swift boxes.

18. Action Plan.

Following consultation the following action plan has been developed in line with The Woodland Trusts Tree Emergency Plan.

Action	Timescale	Potential partners
<p>1a. Assess current tree canopy cover. This survey should take account of tree size, age, species diversity, sustainability and resilience.</p> <p>1b. Set a target for increasing tree canopy cover informed by the work above.</p>	2024	WCC, RBC WCC, Woodland Trust, Trees for cities
<p>2. Identify, map and protect ancient woods, veteran trees and others of valued wildlife habitat. Ensure they are on national and local inventories.</p>	2024	WCC RBC Natural England
<p>3. Identify what land we have available for native woodland creation and tree planting. (other public sector organisations schools, housing associations, NHS etc...) to bring forward a comprehensive assessment for the area that includes constraints (such as other priority habitats).</p>	2022	RBC, Woodland Trust. Warwickshire Wildlife trust
<p>4. Understand what contribution existing woodland and trees, and their expansion, will have in meeting our climate change and biodiversity commitments.</p>	2022	RBC, WCC
<p>5. Understand any sources of funding.</p>	Ongoing annually	RBC
<p>6. Ensure we have enough qualified staff, contract or partner resources available to implement our targets</p>	Bi annual	RBC, WCC
<p>7. Commit to planting with United Kingdom sourced and grown trees. (Consider how we can support local production of trees for instance via a local tree nursery.)</p>	2021	RBC, WCC, Woodland Trust, Natural England
<p>8. Commit to procuring UK sourced timber from FSC (sustainable) sources and encourage use of hardwood timber sourced from existing and new woodland in the area.</p>	2021	RBC
<p>9. Actively involve community groups, schools and volunteers in creating and delivering the targets.</p>	2021	RBC, Schools, community groups, Youth Council
<p>10. Implement planning policies to secure delivery of 30% tree canopy cover on all new developments. (Further guidance is available from the WT)</p>	2022	RBC, WCC, Woodland Trust
<p>11. Protect ancient woods and trees, ensure our authority's planners know they must be retained and protected. (Further guidance is available from the WT)</p>	2021	RBC, WCC, Woodland Trust

19. Useful Information source

England's Trees, Woods and Forests' (2007)

<http://www.greeninfrastructurenw.co.uk/climatechange/doc.php?docID=107>

National Planning Policy Framework (NPPF) 2012

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Tree Preservation Order

https://www.planningni.gov.uk/8pp_tree_preservation_order_lores.pdf

Town and Country Planning Act 1990

http://www.legislation.gov.uk/ukpga/1990/8/pdfs/ukpga_19900008_en.pdf

Town and Country Planning (Tree Preservation) Regulations 2012

http://www.legislation.gov.uk/uksi/2012/605/pdfs/uksi_20120605_en.pdf

The Woodland Trust

<https://www.woodlandtrust.org.uk>

AGENDA MANAGEMENT SHEET

Report Title: Calendar of meetings 2021/22 - Council meetings

Name of Committee: Cabinet

Date of Meeting: 28 June 2021

Report Director: Chief Officer - Legal and Governance

Portfolio: Legal and Governance

Ward Relevance: N/A

Prior Consultation:

Contact Officer: Claire Waleczek, Democratic Services Team
Leader 01788 533524 or
claire.waleczek@rugby.gov.uk

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):
 Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C)
 Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E)
 Residents live healthy, independent lives, with the most vulnerable protected. (HC)
 Rugby Borough Council is a responsible, effective and efficient organisation. (O)
[Corporate Strategy 2021-2024](#)
 This report does not specifically relate to any Council priorities but

Summary: All council meetings must now take place in person. In order to ensure all COVID restrictions are adhered to, all meetings of Council will need to be held in the Benn Hall.

Financial Implications: There will be an internal recharge based on the approved fees and charges schedule to ensure

that the Benn Hall is not negatively impacted by not being able to hold chargeable events during the period that the meetings take place in the venue.

Any additional officer cost of supporting the sessions is difficult to quantify at this stage, but it will be met from existing budgets

Risk Management Implications: There are no direct risk management implications arising from this report.

Environmental Implications: There are no direct environmental implications arising from this report.

Legal Implications: Following the onset of the pandemic, the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the Flexibility Regulations”) were enacted and came into force on 4 April 2020, which permitted entirely remote meetings to take place.

The Flexibility Regulations expired on 6 May 2021 and were not capable of being extended due to the sunset clause in section 78(3) of the Coronavirus Act 2020. Primary legislation was required to continue the express provision of remote meetings in England.

Equality and Diversity: The venue is accessible for people with disabilities and there is a hearing loop system within Benn Hall.

Options: N/A

Recommendation: Meetings of Council for the 2021/22 municipal year be held on the dates as detailed in paragraphs 3.1 and 3.2 of the report, to commence at 7.00pm.

Reasons for Recommendation: To ensure all meetings of Council can be held in person and in accordance with COVID restrictions.

Cabinet - 28 June 2021

Calendar of meetings 2021/22 - Council meetings

Public Report of the Chief Officer - Legal and Governance

Recommendation

Meetings of Council for the 2021/22 municipal year be held on the dates as detailed in paragraphs 3.1 and 3.2 of the report, to commence at 7.00pm.

1. INTRODUCTION

- 1.1 Following the onset of the pandemic, the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the Flexibility Regulations”) were enacted and came into force on 4 April 2020, which permitted entirely remote meetings to take place.
- 1.2 The Flexibility Regulations expired on 6 May 2021 and were not capable of being extended due to the sunset clause in section 78(3) of the Coronavirus Act 2020. Primary legislation was required to continue the express provision of remote meetings in England.

2. PROPOSALS FOR MEETINGS HELD IN PERSON

- 2.1 In order to adhere to COVID regulations, all members of Council and committees will be seated socially distanced. For Cabinet and committees, this can be achieved using the Council Chamber. However, for meetings of Council, a larger venue is required and it is proposed that the Benn Hall is used.

3. DATES OF COUNCIL MEETINGS 2021/22

- 3.1 There are some dates currently scheduled for Council meetings which would need changing to ensure the Benn Hall could be used. The table below shows current dates and proposed rescheduled dates:

Current date of meeting	Proposed rescheduled date
Tuesday 20 July	-
Thursday 23 September 2021	Wednesday 22 September 2021
Thursday 18 November 2021	Wednesday 17 November 2021
Thursday 16 December 2021	Wednesday 15 December 2021
Tuesday 8 February 2022	-
Tuesday 22 February 2022	-
Tuesday 26 April 2022	-

- 3.2 It is also proposed that an additional Council meeting be held on Wednesday 25 August 2021.

4. FINANCIAL IMPLICATIONS

- 4.1 There will be an internal recharge based on the approved fees and charges schedule to ensure that the Benn Hall is not negatively impacted by not being able to hold chargeable events during the period that the meetings take place in the venue.
- 4.2 Any additional officer cost of supporting the sessions is difficult to quantify at this stage, but it will be met from existing budgets

Name of Meeting: Please select

Date of Meeting: 1 July 2021

Subject Matter:

Originating Department: Please select

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

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

AGENDA MANAGEMENT SHEET

Report Title: The introduction of new drone technology to improve council services

Name of Committee: Cabinet

Date of Meeting: 28 June 2021

Report Director: Chief Officer - Regulation and Safety

Portfolio: Regulation and Safety

Ward Relevance: All Wards

Prior Consultation: Internal consultation and consideration with all relevant departmental Chief Officers and Heads of Service likely to benefit from the use of drones within their sections. Including Legal Services and Financial Services.

Contact Officer: Verna Zinclair Principal Environmental Health Officer in Regulation and Safety, 01788 533858

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):

(C) Climate Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C)

(E) Economy Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E)

(HC) Health and Communities Residents live healthy, independent lives, with the most vulnerable protected. (HC)

(O) Organisation Rugby Borough Council is a responsible, effective and efficient organisation. (O)

[Corporate Strategy 2021-2024](#)

This report does not specifically relate to any Council priorities but

Summary:	The purchase of a Council owned and operated aerial camera system would enable the Council to carry out its own aerial site surveys, with subsequent cost saving from having to buy bespoke commercial photographs and videos. Purchasing our own drone will enable us to determine the full range of their use, both internally and for potential future commercially minded ventures.
Financial Implications:	The purchase of drone equipment and associated training and licences will cost £9,800 for 2021/22, and £2,300 for the subsequent 4 years. This will be funded from within existing resources from within the Regulation and Safety team.
Risk Management Implications:	Risk of technical or mechanical failure – minimised by research into purchasing a robust Unmanned Aerial Vehicle and giving /updating training of operatives. Unit will be insured. Inappropriate use of Unmanned Aerial Vehicle – minimised by updating existing policy and procedures for covert surveillance in line with the Regulation of Investigatory Powers Act and internal operating procedures.
Environmental Implications:	The purchase of the systems would allow a reduction in officer repeat journeys to sites, reducing traffic congestion and fuel consumption. The Unmanned Aerial Vehicles are powered by electric motors therefore are non-polluting.
Legal Implications:	Compliance with Civil Aviation Authority (CAA), data protection and authorised surveillance legislation, guidance, policies and procedures.
Equality and Diversity:	None directly.
Options:	<ol style="list-style-type: none"> 1) To purchase the recommended drone and add to the council's investigatory tools, or 2) not purchase and continue to hire drone use when required.
Recommendation:	The purchase of a drone, officers being trained and the establishment of a trial programme for the use of all relevant services be approved.
Reasons for Recommendation:	To allow the council to actively look at options for efficiencies and service improvements using new technologies.

Cabinet - 28 June 2021

Use of drones by the council

Public Report of the Chief Officer - Regulation and Safety

Recommendation

The purchase of a drone, officers being trained and the establishment of a trial programme for the use of all relevant services be approved.

PURPOSE OF REPORT

1. The report seeks authority to invest in the purchase of an aerial camera system (drone) and associated Civil Aviation Authority (CAA) training to enable the Council to carry out its own aerial surveys, inspections and intelligence led enforcement investigations for a number of different sections across all services.

Executive Summary

2. The purchase of a Council owned and operated aerial camera system would enable the Council to carry out its own aerial site surveys, with subsequent cost saving from having to buy bespoke commercial photographs and videos. Purchasing our own drone will enable us to determine the full range of their use, both internally and for potential future commercially minded ventures.

This report is for requesting Cabinet to authorise the purchase of equipment and training and maintenance based on a drone lasting 5 years.

Background

3. The council is actively involved in continuous service improvements and as part of this the council has been looking at new technologies including drones. Officers had identified difficulties in accessing a derelict site where there was a risk to officers if they entered the site. A drone would have been ideal for this and as the site has been a problematic site for some time, our own equipment would have helped this. Other teams had also been looking at possible uses and so a full review of potential uses was carried out internally and can be found in Appendix 1.

Why should we be using drones?

4. Drones can provide a highly efficient and effective mechanism to improve services, reduce costs and health and safety risks for local authorities. They can be introduced quickly and effectively to provide immediate benefits. Activities that previously took days to complete or areas that were impossible due to access can

now be completed in hours. Examples of work being undertaken by other authorities, both internally and as commissioned services can be found in Appendix 2.

Drone technology is becoming ever more sophisticated at a price point making it readily available within the work environment. At a time when local government continues to face unprecedented budget challenges, drone technology provides authorities with an opportunity to innovate and deliver services more efficiently, improve productivity and increase safety of service delivery.

4.1 Purchase of a modern commercial drone, such as a Dji Phantom, retailing at approximately £5000 depending on specification would allow us to determine their capabilities and potential wider use. Dji are leading suppliers of drones worldwide. Operational Apps are provided free of charge.

Additionally, there is a requirement for:

- Training of 2 operatives
- Operator's licence
- Pilot licences £1000
- Ongoing maintenance costs (batteries, blades, servicing)
- Insurances (for Public Liability)

The purchase of drone equipment and associated training and licences will cost £9,800 for 2021/22, and £2,300 for the subsequent 4 years. This will be funded from within existing resources from within the Regulation and Safety team.

This drone has been selected based on use by other local authorities and following an assessment of best value. With technology advancing quickly at the moment, should a better model become available at similar cost, that will be considered.

Various teams /sections have indicated interest in their use and can be found in Appendix 2. The list is not exhaustive, and as we become more familiar with the technology and use, it is envisaged other uses will be discovered. A few areas to consider are listed in Appendix 3 (suggested areas of deployment to be considered).

If approved officers will monitor use and cost effectiveness.

Officers will also determine if there are other potential opportunities e.g. providing a commercial service to other local authorities and agencies to offset costs or bring in revenue.

Conclusion

5. This is an excellent opportunity for the Council to acquire a cost-effective system to enable more efficient working practices across the Council with a significant cost saving on various functions that we already carry out. The Council will need a policy document for its deployment, but this should not be regarded as an obstacle to this proposal. Indeed, as innovative uses are developed and agreed the policy document will undoubtedly develop further.

Name of Meeting: Cabinet
Date of Meeting: 28 June 2021
Subject Matter: Use of drones by the council
Originating Department: Regulation and Safety

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

Appendix 1 Internal consultation on potential drone deployments

Potential Users - Teams	Surveillance/ Evidence gathering Suggested areas	Responses	Comments
Building Control	<p>Unsafe buildings – assess roofs, walls etc. Safer to inspect buildings of height</p>		<ul style="list-style-type: none"> • What would be the benefit to you and your teams? <i>Assess unsafe buildings/Dangerous structures, roofs, walls and sites with limited or no access, Safer to inspect buildings of height. Would assist with Enforcement if restricted access, to initially assess extent of works/development. Quicker assessment of site, if owner refusing entry.</i> • Do you see a potential use? <i>Agreed in principal, but assumed would be infrequent use in BC. My thoughts are a “nice to have” but may not be able to justify costs against use.</i> • How often do you think you would deploy them? <i>Assumed once or twice every month or less? If it was readily available with trained operator, and not cost prohibitive.</i> • Have you any experience of them? Anyone trained? Any one licensed? <i>No unfortunately not.</i>

Appendix 1 Internal consultation on potential drone deployments

Development & Enforcement Unit (Planning)	Site compliance of planning approval, Unauthorised developments,		Whilst I appreciate we are looking at a corporate drone purchase, for the time being, this is the company who North Warwickshire Borough Council used recently and the operative is qualified, registered, fully licensed and an insured CAA Pilot and locally based (Renuntio Limited): https://www.renuntio.co.uk/drone-surveying.html#/
Estates Management	Estate surveys		
Corporate Property	Surveying open land Surveying buildings, car parks,		
Community Wardens	'Hot spots' – known mass gathering areas, Surveillance of PSPO areas, ASB		
Neighbourhood Services	'Hot Spots' – fly tipping, nuisance complaints, derelict sites & buildings for safety and enforcement evidence, pest control surveys, drainage surveys, sewage/land flooding	Promotional/ change behaviour, educational value for environmental clean up's - before & after pictures	Skills in Regulation and enforcement, overt & covert operations. Previously used commercial drone operator for evidence gathering/establishment for potential enforcement case.
Commercial Regulation	Environmental management Contaminated land? Application surveys?		

Appendix 1 Internal consultation on potential drone deployments

Licensing Team			
Parks & Grounds	Dangerous trees and structures i.e. Newbold quarry, site surveys (for repair and promotional events), inspection of bridleways, Great Central Way, detection of invasive plant species i.e. Japanese Knotweed		<i>"no experience of using them, would suggest at a very minimum we would use annually for the site inspections"</i>
Street Scene	Asset management inspections		
Bereavement Services			
Communications & Media	Promoting the Town, Public information, Civic Events	We would use a drone for promotional photography/video as you suggest. I've added some comments to the table.	<i>"Aerial photography/video of e.g. parks and open spaces, roof-top solar panels, refuse/recycling tipping etc. Probably a few times per year, or more if there was general availability."</i>
Legal Team	As far as Legal are concerned, we wouldn't use drones directly ourselves, but our key concerns would be: see comments column		<ul style="list-style-type: none"> • <i>If used in proceedings (including committee meetings) ensuring that the surveillance/</i> • <i>evidence has been collected correctly and can be exhibited effectively.</i> • <i>If asked for information by third parties, e.g. Police, ensure we have the necessary data</i>

Appendix 1 Internal consultation on potential drone deployments

			<p><i>sharing arrangements in place to respond to requests.</i></p> <ul style="list-style-type: none"> <i>Internally, ensuring we have the correct policies, procedures etc. in place for both using the drones and then retaining any footage from them, particularly where they capture individuals (same considerations as for CCTV) to ensure we are compliant with Data Protection legislation.</i> <i>Depending on how they are to be used, ensuring that the correct RIPA or non-RIPA procedures are followed and appropriate sign-offs obtained for their use.</i>
Safety & Resilience	A useful health and safety tool, for example working at height inspections, site surveys, traffic /pedestrian management planning, waste collection route inspections/planning	Things can go wrong:- •Crash due to a mechanical/electronic failure, a loss of contact between the pilot's ground control transmitter and receiver on the aircraft. It could also crash due to unsuitable weather conditions or pilot error.	To reduce the risks, engage a registered, qualified, insured and experienced drone operator. While there is no pilot license in the UK for drones, the CAA does recognise some training centres. Need to ensure that your operator is trained and that their insurance covers the costs of flying a UAS for performance or filming. operator, should train, learn, practice and ensure they are familiar with all the latest drone guidance,

Appendix 1 Internal consultation on potential drone deployments

		<ul style="list-style-type: none"> •The aircraft could `fly away` if control is lost between the pilot's ground control transmitter and receiver. •Crash into other aircraft or into into people or structures. <p>May be perceived as a `spy in the sky` by employees /public Noise nuisance.</p>	<p>and have appropriate license and insurance if engaging in commercial flights.</p> <p>Safety team requirement would be very rare.</p>
IT Services	Compatibility/ linking with our system(s), Data storage, large volume of data		

Appendix 2 - What have other authorities done?

Other authorities

- **Bournemouth, Christchurch and Poole (BCP) council** is deploying a pilot scheme this summer making use of drone-based technology to tackle litter in the local area.
- **Milton Keynes Council** is monitoring development sites. With the use of drone technology, it is using imagery to support and manage its Local Land and Property Gazetteer (LLPG). The imagery is shared with services across the council via My GIS the internal Corporate Mapping solution. Useful for Housing Monitoring, currently with a three-month programme to visits, locations can be determined with increased accuracy, avoiding those where little progress has been made. Building Control can also schedule visits using the data from the drone, saving time, improving productivity and efficiency. Electoral Registration can see 'complete' houses, using intelligence to verify applications for registration to vote. Advanced notice of waste collection is possible by Waste and Recycling as it is clear to see which houses are complete with the drone imagery. Phantom 4 RTK drone (£5000).
- **Midlothian Council** plans for drone images to be used to give elected members a better idea of the impact of major developments by flying over gardens has been shelved due to invasion of privacy.
- **Neath** – council using talking drones deployed to tourist hotspots and locations to catch people ignoring coronavirus isolation advice.
- **Portsmouth Council** – crowd monitoring on promenade and beach, overhead shots gave a truer picture of social distancing adherence.
- **In Ireland**, 18 councils are using drones, predominantly quad-copters to visit known fly-tipping sites. Having the capability to cover 13 or 14 sites in a day, when this would otherwise take several days, and to revisit them at more frequent intervals shows what a difference drones can make to the environment.
- **Thurrock council** are partway through a project to carry out aerial drone flights, on behalf of Basildon Council's planning enforcement team. A six month trial is currently underway during which the council's planning enforcement team will use remote controlled aerial drones to investigate possible breaches of planning regulations and permissions. An evaluation and public consultation on the use of aerial drones for planning enforcement purposes will also take place during the trial period.

Appendix 3 (suggested areas of deployment to be considered)

The UAV would allow a flexible, quick and responsive system that has the benefit of height, speed and reach.

An example of its use could be for the Planning Enforcement Section.

- accurate aerial photos of sites being investigated in almost “real time” and
- comparison with historic records.
- to show what changes have occurred and when would be a valuable tool in the fight against environmental crime as both evidence and a negotiation tool, as it would be a record of fact not open to significant interpretation.
- It would also allow surveys to be carried out on sites which are difficult to enter or have serious officer safety implications; this would ensure speedier investigations and service of the relevant notices.

Housing and Housing Repairs could use the system for

- a number of surveys including the carrying out initial surveys of land that might potentially be used for building Council houses.
- would also be able to do surveys of roofs and guttering without the need for expensive and time consuming personal surveys involving scaffolding.

It is a Government requirement that a survey is carried out on all the borough gypsy sites on two prescribed days in January and July each year. This currently takes two officers a whole day to complete.

- The UAVs could be used to survey some, or all, of the sites on those specified days, thereby reducing the officer time and the potential risk to officer safety.

Commercial Regulation and Neighbourhoods could have the potential use of the system

- Land Drainage purposes, including near real time flooding surveys.
- Good quality images may help identify illegal waste transfer sites, large scale hidden illegal waste deposits and
- previously unidentified unauthorised caravan encampments.

Council Tax have a requirement for identifying new building and other buildings in residential use

- this system would allow a quick and easy solution for identifying these properties.

Potential income?

- As all photography taken will be ours to sell or share, we could possibly maximise income by selling on this service to surrounding councils
- There may also be opportunities to explore shared use and potential revenue generation in respect of other public bodies.
- This could be explored once our own uses were identified, regulated and had become embedded in order to deal with any initial issues.

We could also share this information with all Parish Councils arranging a "login" for them to access up to date aerial photography for their uses as statutory bodies.

AGENDA MANAGEMENT SHEET

Report Title: Members' Allowances 2020/21

Name of Committee: Cabinet

Date of Meeting: 28 June 2021

Report Director: Chief Officer - Finance and Performance

Portfolio: Finance and Performance

Ward Relevance: N/A

Prior Consultation: N/A

Contact Officer: David Phelan, Senior Finance Officer

Public or Private: Public

Report Subject to Call-In: Yes

Report En-Bloc: Yes

Forward Plan: Yes

Corporate Priorities: This report relates to the following priority(ies):
 Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C)
 Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E)
 Residents live healthy, independent lives, with the most vulnerable protected. (HC)
 Rugby Borough Council is a responsible, effective and efficient organisation. (O)
[Corporate Strategy 2021-2024](#)
 This report does not specifically relate to any Council priorities but

(C) Climate
(E) Economy
(HC) Health and Communities
(O) Organisation

Summary: The Local Authorities (Members' Allowances) (England) Regulations 2003 require each local authority to publish details of allowances paid to each councillor for the previous financial year. The report details allowances claimed for 2020/21 financial year.

Financial Implications:	The maximum amounts able to be claimed by councillors for basic allowance, special responsibility allowance and travel and subsistence are stipulated in the Members' Allowance Scheme.
Risk Management Implications:	All claims made by councillors are rigorously checked for accuracy and compliance with the Council's Members' Allowance Scheme.
Environmental Implications:	N/A
Legal Implications:	The Members' Allowance Scheme is required to comply with the Local Authorities (Members' Allowances) (England) Regulations 2003.
Equality and Diversity:	N/A
Options:	N/A
Recommendation:	The allowances claimed by Members for 2020/21 as detailed at Appendix 1 to the report, be noted.
Reasons for Recommendation:	To satisfy the legislative requirement to publish the list of allowances claimed.

Cabinet - 28 June 2021

Members' Allowances 2020/21

Public Report of the Chief Officer - Finance and Performance

Recommendation

The allowances claimed by Members for 2020/21, as detailed at Appendix 1 to the report, be noted.

1. Introduction

The Local Authorities (Members' Allowances) (England) Regulations 2003 require each local authority to publish details of allowances paid to each councillor for the previous financial year.

The required information for 2020/21 financial year is shown in Appendix 1. A list of details of all Special Responsibility Allowances for this financial year is attached in Appendix 2.

2. Allowances Paid

The amounts paid to councillors include basic allowance and special responsibility allowance (if applicable).

Councillors can also claim travel and subsistence allowances for meetings and conferences as determined by the Council. However, these amounts may vary as:

- i) Some councillors prefer not to claim these allowances
- ii) They are often dependent on the frequency of journeys a councillor undertakes; and
- iii) They are dependent on how far councillors have to travel from their homes to the Town Hall

Following a key decision taken to Council in February 2020, the council no longer provides, or contributes towards the cost of landlines and broadband. Whilst the proposal has now been delivered recurrently, it needs to be noted that the impact of the pandemic on services caused a delay in the full delivery for 2020/21. Consequently, costs were incurred during the current year with the financial impact of this included as part of members allowances' report 2020/21.

Name of Meeting: Cabinet
Date of Meeting: 28 June 2021
Subject Matter: Members' Allowances 2020/21
Originating Department: Finance and Performance

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

MEMBER ALLOWANCES 2020/21

Appendix 1

Councillor Surname	Councillor Forename	Ward	Basic Allowance	Special Resp Allowance	Carers' Allowance	Car Parking Fees	Mileage NT / Rugby Casual	Passenger NT / Rugby Casual	Subsistence	Travel-Conf	Travel Normal	Broadband & Landlines	Tablets & Mobile Phones	Total
			£	£	£	£	£	£	£	£	£	£	£	£
Roodhouse	Jerry	Paddox	7,009.56	1,985.16								322.68		9,317.40
Sandison	Neil	Eastlands	7,009.56	1,684.27								290.26		8,984.09
Shera	James	Benn	7,009.56									440.57	5.16	7,455.29
Simpson-Vince	Jill	Coton & Boughton	7,009.56	5,841.36										12,850.92
Srivastava	Ramesh	Newbold & Brownsover	7,009.56									324.00		7,333.56
Stokes	Michael	Admirals & Cawston	5,743.55									358.24		6,101.79
Timms	Heather	Revel & Binley Woods	7,009.56											7,009.56
Total			292,242.83	69,127.51	-	-	63.00	-	-	-	-	4,191.69	289.18	365,914.21

Special Responsibilities

1 April 2020 – 31 March 2021

The scheme also entitles those Members undertaking special responsibilities to be paid a special responsibilities allowance, subject to any part-year provisions.

Cllr S Lowe	Leader of the Council, Leader of the Conservative Group, Chairman of Cabinet
Cllr D Poole	Deputy Leader of the Council, Vice Chairman of Cabinet
Cllr Mrs E Crane	Communities and Homes Portfolio Holder
Cllr Ms C A Robbins	Corporate Resources Portfolio Holder
Cllr H D Roberts	Environment and Public Realm Portfolio Holder
Cllr Mrs J B Simpson-Vince	Growth and Investment Portfolio Holder
Cllr Mrs M O'Rourke	Leader of the Labour Group
Cllr J M Roodhouse	Leader of the Liberal Democrat Group
Cllr Mrs S D Bragg	Chairman of Appeals Committee
Cllr C M Cade	Chairman of Licensing and Safety Committee
Cllr Miss K M Lawrence	Chairman of Planning Committee
Cllr T Mahoney	Chair of Communities and Resources Overview and Scrutiny Committee (in post until 23 September 2020) Chair of Scrutiny Committee (in post from 24 September 2020)
Cllr N J Sandison	Chair of Environment and Growth Overview and Scrutiny Committee (in post until 24 September 2020)
Cllr B H Lewis	Mayor 2020/21 (in post since May 2019 due to Covid-19)
Mr P Dudfield	Chairman of Audit and Ethics Committee
Mr J Eves	Vice-Chairman of Audit and Ethics Committee

Councillors are not entitled to claim more than one special responsibility allowance. If a member holds more than one post in receipt of a special responsibility allowance, the higher allowance is assumed.

AGENDA MANAGEMENT SHEET

Report Title:	Treasury Management 2020/21- Annual Report
Name of Committee:	Cabinet
Date of Meeting:	28 June 2021
Report Director:	Chief Officer - Finance and Performance
Portfolio:	Finance, Performance, Legal and Governance
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Jon Illingworth, Section 151 and Chief Finance Officer, 01788 533410 or jon.illingworth@rugby.gov.uk
Public or Private:	Public
Report Subject to Call-In:	Yes
Report En-Bloc:	Yes
Forward Plan:	Yes
Corporate Priorities:	This report relates to the following priority(ies): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input checked="" type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) Corporate Strategy 2021-2024 <input type="checkbox"/> This report does not specifically relate to any Council priorities but should be considered by Cabinet to comply with the Code of Practise
Summary:	The report sets out the Treasury Management activities for 2020/21.
Financial Implications:	The report ensures that Cabinet is aware of the final Treasury Management position for 2020/21.

Risk Management Implications:	Risk management considerations are set out within the report.
Environmental Implications:	There are no environmental implications for this report.
Legal Implications:	There are no legal implications for this report.
Equality and Diversity:	There are no equality and diversity implications for this report.
Options:	As this report complies with the Treasury Management Code of Practice, which was approved by Council, no other options have been considered.
Recommendation:	The Treasury Management report for 2020/21 and the actual treasury management indicators (appendix A) be noted
Reasons for Recommendation:	To provide Members with relevant information to make informed decisions around Treasury Management Activity and, in line with best practice, comply with the Code of Practice.

Cabinet - 28 June 2021

Treasury Management 2020/21- Annual Report

Public Report of the Chief Officer - Finance and Performance

Recommendation

The Treasury Management report for 2020/21 and the actual treasury management indicators (appendix A) be noted

1. INTRODUCTION

- 1.1 On 25 February 2020, in accordance with the CIPFA Code of Practice for Treasury Management in the Public Sector, Council approved the Treasury Management Strategy for 2020/21 – 2022/23. The Code requires the Council to approve a treasury management strategy before the start of each financial year, a mid-year report, and an annual report after the end of each financial year. The code requires local authorities to comply with three key principles:

KEY PRINCIPLE 1 Public service organisations should put in place formal and comprehensive objectives, policies and practices, strategies and reporting arrangements for the effective management and control of their treasury management activities.

KEY PRINCIPLE 2 Their policies and practices should make clear that the effective management and control of risk are prime objectives of their treasury management activities and that responsibility for these lies clearly within their organisations. Their appetite for risk should form part of their annual strategy, including any use of financial instruments for the prudent management of those risks, and should ensure that priority is given to security and portfolio liquidity when investing treasury management funds.

KEY PRINCIPLE 3 They should acknowledge that the pursuit of value for money in treasury management, and the use of suitable performance measures, are valid and important tools for responsible organisations to employ in support of their business and service objectives; and that within the context of effective risk management, their treasury management policies and practices should reflect this.

- 1.2 This report covers the treasury activities for the financial year 2020/21.
- 1.3 Part of the Council's treasury activity is to address any borrowing need, either through borrowing from external bodies, or utilising temporary cash resources available within the Council. The wider treasury activities also include managing the Council's cash flows, its existing borrowing activities, and investment of

surplus funds. These activities are structured to manage risk foremost, and then to optimise performance.

2. ECONOMIC REVIEW 2020/21 – NATIONAL PICTURE – provided by Link Asset Services (Corporate Treasury Advisors)

- 2.1 **Coronavirus.** The financial year 2020/21 will go down in history as being the year of the pandemic. The first national lockdown in late March 2020 did huge damage to an economy that was unprepared for such an eventuality. This caused an economic downturn that exceeded the one caused by the financial crisis of 2008/09. A short second lockdown in November did relatively little damage but by the time of the third lockdown in January 2021, businesses and individuals had become more resilient in adapting to working in new ways during a three month lockdown so much less damage than was caused than in the first one. The advent of vaccines starting in November 2020, were a game changer. The way in which the UK and US have led the world in implementing a fast programme of vaccination which promises to lead to a return to something approaching normal life during the second half of 2021.
- 2.2 The **Monetary Policy Committee** cut Bank Rate from 0.75% to 0.25% and then to 0.10% in March 2020 and embarked on a £200bn programme of quantitative easing QE (purchase of gilts so as to reduce borrowing costs throughout the economy by lowering gilt yields). The MPC increased then QE by £100bn in June and by £150bn in November to a total of £895bn. While Bank Rate remained unchanged for the rest of the year, financial markets were concerned that the MPC could cut Bank Rate to a negative rate; this was firmly discounted at the February 2021 MPC meeting when it was established that commercial banks would be unable to implement negative rates for at least six months – by which time the economy was expected to be making a strong recovery and negative rates would no longer be needed.
- 2.3 **Government support.** The Chancellor has implemented repeated rounds of support to businesses by way of cheap loans and other measures, and has protected jobs by paying for workers to be placed on furlough. This support has come at a huge cost in terms of the Government's budget deficit ballooning in 2020/21 and 2021/22 so that the Debt to GDP ratio reaches around 100%. The Budget on 3 March 2021 increased fiscal support to the economy and employment during 2021 and 2022 followed by substantial tax rises in the following three years to help to pay the cost for the pandemic. This will help further to strengthen the economic recovery from the pandemic and to return the government's finances to a balanced budget on a current expenditure and income basis in 2025/26.

3. ECONOMIC REVIEW 2020/21 – LOCAL PICTURE

Impact of Covid-19 on Past and Future Treasury Management Activities

- 3.1 Underpinning the Council's activities for 2020/21 has been its response to the Covid-19 pandemic, which, whilst impacting significantly on service delivery has also had consequential impacts on the Council's Treasury Management activities as Government has made significant resources available for Councils

to deliver services and funding to the local area and economy. COVID-19 has had a major impact on the Council's 2020/21 treasury management activities.

- Increased cash balances due to large government grants – The Council received a total of £50.179m during the year to be passed on to businesses within the borough
- Reprofiting of capital programme including the high rise scheme

Prospect for Interest Rates

3.2 In light of the economic impact of the Covid-19 pandemic, the Council's treasury management advisor (Link Asset Services) has recently updated their interest rate forecasts (including investment and borrowing rates) up to March 2022 where the rate is expected to be 0.15% based on a 12 month deposit. This updated view on interest rates is currently being used by the Council to assess the impact on both its investment and borrowing strategies in 2021/22. Interest rates were reduced during 2020/21 and continue to remain at an all-time low resulting in poor levels of return for many new investments being made post the start of the pandemic.

4. COUNCIL'S INVESTMENT STRATEGY

- 4.1 The Council has continued to focus on protection of the Council's resources by ensuring that investments are made with organisations that are considered to have a sound financial standing based on their counterparty creditworthiness.
- 4.2 During the period of the Covid-19 pandemic sovereign and organisation credit ratings have been subject to change by all of the three main rating agencies (Fitch, Moody's and S&P); indeed Fitch downgraded the UK's sovereign rating from AA to AA- at the end of March 2020.
- 4.3 Following rating actions to-date, all banks previously approved continue to meet the approved rating criteria as prescribed in the Council's 2020/21 Annual Investment Strategy and officers continue to monitor developments as they arise. New bank deposits will only be considered on a short-term basis until more certainty on how banks will ultimately be rated becomes known.
- 4.4 For financial institutions rating changes have been limited to the lowering of "Outlooks" to negative; although in some cases "Negative Watches" (warning of an upcoming rating downgrade) have been assigned.
- 4.5 There were no cash flow issues arising during the pandemic and the bank account remained liquid and in credit.
- 4.6 As part of the response to the Covid-19 pandemic, the Council, along with all other local authorities received substantial levels of grant funding from Government with Rugby specifically receiving £50.1m. Local authorities were at the forefront in either acting as the Government's direct agent in paying out grants to local businesses or in providing the response to support the local economy and as a result paid out substantial Grants to local businesses. As Government grants were paid in advance, and sometimes significantly in

advance of paying out, this did not have any adverse effect upon the Treasury Management Strategy although there were some difficulties in being able to place spare cash as there were at times, significant surplus cash available for investment across the country.

5. THE COUNCIL'S CAPITAL EXPENDITURE AND FINANCING 2020/21

5.1 The level of capital expenditure incurred by the Council, and its financing, forms one of the required prudential indicators. The table below shows total capital expenditure for the year and how this was financed.

	2020/21 Actual £000s	2020/21 Estimate £000s
Total capital expenditure	15,522	36,810
Resourced by:		
Capital receipts	1,242	5,258
Capital grants and other contributions	3,210	2,434
Capital reserves	2,070	3,432
Revenue	3,389	19,986
Unfinanced capital expenditure	5,611	5,700

5.2 Full details of capital expenditure and explanations of variances from budget can be found within the Financial and Performance Monitoring Outturn Report also included on this agenda. The fall in capital expenditure between estimate and outturn relates to slippage in the programme principally around:

- a) Slippages timelines in procurement of design, architectural, and building contract services for the redeveloped Biart Place and Rounds Gardens sites due to the COVID-19 Pandemic.
- b) Availability of open market and S106 house purchases within the Housing Acquisition Fund.
- c) Slippage in the delivery of the HRA property programme as a result of the COVID-19 pandemic restrictions impacting on the officers being able to access properties to carry out work.
- d) Slippage in the delivery of the general fund programme as a result of COVID-19 restrictions and officers being deployed elsewhere to support the organisations response to the emergency.

5.3 The Council undertakes capital expenditure on long term assets. These activities may either be:

- a) Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need (although this does result in a loss of interest on resources which would otherwise be invested); or
- b) If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need (unfinanced capital expenditure, therefore resulting in an increase in interest costs and eventual loan repayment).

6. THE COUNCIL'S OVERALL BORROWING NEED

- 6.1 The Council's underlying need to borrow is called the **Capital Financing Requirement** (CFR). This figure is a gauge for the Council's debt position and represents 2020/21 and historic net capital expenditure which has not yet been charged to revenue. The process for charging this capital expenditure to revenue is a statutory requirement and is called the **Minimum Revenue Provision** (MRP)*. The Council has the option to charge more than the statutory MRP each year through Voluntary Revenue Provision (VRP). The Council's CFR for the year is shown below and represents a key prudential indicator. The total CFR can also be reduced by the application of additional capital resources (such as unapplied capital receipts.)

*In effect this is the amount required to be set aside for the eventual loan repayment.

Capital Financing Requirement	31 March 2021 Actual £000s	31 March 2021 Original Indicator £000s
Opening balance 1 April 2020	82,592	94,898
Plus: unfinanced capital expenditure	5,611	5,700
Less: MRP/Repayment of Loan	(1,459)	(1,864)
Closing balance 31 March 2021	86,745	98,734

- 6.2 This table demonstrates that the Council's long-term borrowing need has decreased from that predicted at the beginning of 2020/21. However, this is predominantly related to the items listed at 5.2 above and will increase in 2022/23 and beyond as substantial delivery works at the former multi-storey flats' sites come on stream after being substantially delayed by the Covid-19 Pandemic.
- 6.3 Current and future estimated MRP and interest costs (updated from the most recent General Fund and HRA Medium Term Financial Plans) are detailed in the table below:

	2020/21 £000s	2021/22 £000s	2022/23 £000s	2023/24 £000s
MRP/VRP (Debt repayments)	1,459	1,506	1,595	1,624
Net Cost of Borrowing (Interest repayments)	1,022	2,271	2,396	1,977
Direct Revenue Financing (DRF)	3,441	3,235	2,144	1,844
Total Revenue Implications	5,922	7,012	6,135	5,445

- 6.4 These values may change as a consequence of the rescheduling of HRA debt subject to refined estimates of works relating to high rise blocks in Rugby.

- 6.5 The 2018-23 Medium Term Financial Strategy envisaged tapering the Council's reliance on New Homes Bonus (NHB) income within the core income budget, in order to achieve financial self-sufficiency. Additional allocations over and above the reported figures had been transferred and ringfenced for Direct Revenue Financing (DRF) (previously known as revenue contributions to capital outlay (RCCO)) to reduce the reliance on borrowing to finance the General Fund capital programme.
- 6.6 However, in light of forecasts regarding the long-term future of the NHB scheme these contributions have now been removed from the General Fund programme from 2021/22 onwards. The implication of this change is that the Council will need to either:
- a) finance a greater proportion of its capital programme using existing revenue resources or from borrowing;
 - b) seek to reduce the overall programme; or
 - c) prioritise schemes that include either revenue generation or cost efficiencies in delivery.
- 6.7 The borrowing strategy approved as part of the 2020/21 Treasury Management Strategy highlighted the approaching substantial works to be undertaken in the redevelopment of the Council's multi-storey flat sites and the rise in its HRA Capital Financing Requirement from 2020/21 onwards. As previously reported, in April 2020 the Council was able to secure a further £40m of borrowing to add to the HRA debt pool in advance of these works. Utilising the HRA Certainty rate introduced by the Chancellor in his March budget, the Council was able to secure a 50-year PWLB maturity loan at 1.27% securing a cost of capital at 1.23% below its HRA business plan forecast of 2.50%. This leaves the Council with a grand total of £66.479m being available for the scheme.

The table below shows that as a consequence of this the authority is 'overborrowed' as at the 31 March 2021 by £66.255 (£153.000m forecast gross debt vs. £86.745m forecast Capital Financing Requirement). This will mean that the authority incurs a 'cost of carry' (paying interest costs which cannot be wholly mitigated from temporary investment income) whilst it holds borrowing awaiting capital expenditure to be undertaken. However, the forecast long term saving of 20 - 30 basis points by borrowing in advance of need (c£66,000,000 over a 50 year term) will more than mitigate the short term differential in cost of carry (c.£0.120m - £0.150m) Table 8.1 shows the reductions in this over borrowed position by 2024.

	2020/21 £000s
Gross Debt	153,000
Capital Financing Requirement	86,745
Under/(Over) Borrowing	(66,255)

7. TREASURY POSITION AT 31 MARCH 2021

- 7.1 The table below shows a snapshot of the Council's position as at 31 March 2021 (not for the whole of 2020/21) compared with the previous year. This situation will of course change daily as investments are adjusted to meet cash flow requirements.

	31/03/2021		31/03/2020	
	£000s	Average Rate (%)	£000s	Average Rate (%)
Borrowings:				
PWLB	85,800	1.8	54,300	2.3
Market Deals	13,700	3.7	13,688	3.7
Local Authorities	53,500	0.93	87,000	1.4
Total Debt Outstanding	153,000	2.1	154,988	2.4
Investments:				
In house	127,380	1.31	133,046	1.2
Total Investments Outstanding	127,380		133,046	

(PWLB = Public Works Loan Board)

8. BORROWING IN THE YEAR:

- 8.1 The movement in outstanding debt was (£1.988m) (including temporary borrowing) as shown below:

	£000s
Debt outstanding at 1 April 2020	154,988
Write back of Brokerage Fees	12
Borrowing in year	77,000
Less: Repayments in year (Inc. temporary borrowing)	(79,000)
Debt Outstanding at 31 March 2021	153,000

Future Maturity Analysis of Loans (illustrates future changes in debt portfolio)

	2021/22 £000s	2023/24 £000s	2024/25 £000s
PWLB/Banks	8,900	7,342	0
Local Authorities/Housing Associations	40,000	0	0
Total	48,900	7,342	0

9. BREACHES OF TREASURY MANAGEMENT STRATEGY

- 9.1 Under the CIPFA Code of Practice, any breaches of the Council's Treasury Management Strategy needs to reported to Members with an explanation of the causes of the breach.
- 9.2 It can be reported that during 2020/21 there were no breaches to report.

- 9.3 However, during the 2021/22 financial year, there have been two separate breaches identified. As part of the 2020/21 strategy the Council set a limit for the maximum exposure to the Councils operational bank account of £5.000m overnight. As explained earlier, the Council has had, at times, difficulty in placing money for investment as there has been a surplus of cash available in the market. This has been partly due to all local authorities receiving grant funding in support of the COVID-19 pandemic at the same time. With the Council not being able to place money with other local authorities, as they had surplus cash, there were limited avenues for placing the Council's cash and there was significant competition from other local authorities who were also trying to invest.
- a) On the 1 April 2021 the Council's operational bank account had an amount of £5.281m overnight, a breach of £0.281m.
 - b) On the 17 May 2021 the Council's operational bank account had an amount of £5.576m overnight, a breach of £0.576m.
- 9.4 In order to prevent this happening again the council has reactivated the DMO (Debt Management Office) account along with being in the process of securing a MMF platform with Link Asset Management which should allow greater flexibility to invest sums of money for the short term

10. INVESTMENTS IN THE YEAR

Internally Managed Investments

- 10.1 The net movement in the year was a decrease of £5.666m as shown below:

	£000s
Opening Balance at 1 April 2020	133,046
Investments in year	150,000
Less: Repayments in year	(155,666)
Closing balance at 31 March 2021	127,380

- 10.2 Note that investments made, and subsequent repayments received, are grossed up as a result of the accumulation of daily short-term activities.

Investment Performance for 2020/21

- 10.3 The returns achieved through the investment strategy undertaken by the Council are shown below:

	Average Investment	Rate of Return (Net of Fees)	Benchmark Return (3 Month LIBID Rate)	Original Estimate
	£m	%	%	%
Internally managed	112.6	1.31	0.05	1.01

Future Maturity Analysis of Investments

	2021/22 £000s	2022/23 £000s	2023/24 £000s	2024/25 £000s
Banks and Building Societies	30,450	5,500	0	0
Local Authorities/Housing Associations	24,490	20,940	15,500	10,000
Total	54,940	26,440	15,500	10,000

11. TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY UPDATE

11.1 The Treasury Management Strategy Statement, (TMSS), for 2021/22 was approved by this Council on 23 February 2021.

11.2 The treasury management indicator setting the limit on principal sums invested for more than 365 days is recommended to remain as per the limit approved by Council on 21 July 2020:

	2020/21 £000s	2021/22 £000s	2022/23 £000s
Current Limit on principal invested beyond 365 days	70,000	70,000	70,000

11.3 The limit reflects the increasing cash flows impacting upon the Council's investment portfolio over time. It also facilitates matching cash inflows associated with major proposed schemes such as the redevelopment of the multi-storey flats sites and cash outflows to mitigate the initial cost of carry on long term borrowing

12. NEW ACCOUNTING STANDARDS

12.1 From 1 April 2022, the Council will be required to adopt International Financial Reporting Standard 16, Leases, (IFRS16). This standard will require the Council, as a lessee, to recognise the value of assets it is using under a lease arrangement on its balance sheet, with a corresponding liability recognising the corresponding lease liability. This effectively means that the Council will be changing its treatment of operating leases, with the exception of low value or short term leases, to finance leases.

12.2 After initial recognition, the value of assets leased will need to be revalued regularly on the same basis as Property, Plant and Equipment. Lease payments will be accounted for as payments of principal and interest.

12.3 The recognition of an asset on the Council Balance Sheet will effectively increase the Capital Financing Requirement meaning that the Council will also have to consider the requirement to account for Minimum Revenue Provision (MRP).

12.4 The recognition of a lease liability on the balance sheet will have a direct impact on the Council's prudential indicators. Prior to the adoption of the new accounting standard, the Council will undertake an impact assessment of the change in lease accounting and advise members of the changes.

13. ESG INVESTMENTS

13.1 There is a significantly greater awareness of the approach to 'ethical' investments and the Council's consideration of Environment, Social and Governance (ESG) issues when making an investment

ESG Factors

13.2 Following are examples of ESG issues.

- a) Environmental risks created by business activities have actual or potential negative impact on air, land, water, ecosystems and human health. Company environmental activities considered ESG factors include managing resources and preventing pollution, reducing emissions and climate impact, and executing environmental reporting or disclosure. Environmental positive outcomes include avoiding or minimizing environmental liabilities, lowering costs and increasing profitability through energy and other efficiencies, and reducing regulatory, litigation and reputational risk.
- b) Social risks refer to the impact that companies can have on society. They are addressed by company social activities such as promoting health and safety, encouraging labour-management relations, protecting human rights and focusing on product integrity. Social positive outcomes include increasing productivity and morale, reducing turnover and absenteeism, and improving brand loyalty.
- c) Governance risks concern the way companies are run. It addresses areas such as corporate brand independence and diversity, corporate risk management and excessive executive compensation, through company governance activities such as increasing diversity and accountability of the board, protecting shareholders and their rights, and reporting and disclosing information. Governance positive outcomes include aligning interests of shareowners and management and avoiding unpleasant financial surprises.

13.3 There is an overriding requirement for the Council to consider investments in the context of, security, liquidity and yield as the core principles of the Treasury Management Strategy. Although not specifically highlighted in the Treasury Management Strategy which maintains complete flexibility subject to the investment meeting the counter party ratings, the Council will be mindful of ESG when placing future strategic investments in the in line with ESG principles.

13.4 The Council is currently undertaking reviews of various ESG Investments. For example both Barclays and Lloyds, along with most other main high street banks, now offer "Green" accounts which specifically use only ESG sourced funds to investment in such as Solar Energy Companies and Wind Turbine Companies. A study will be undertaken to look at the viability and yield of these investments before any such investments take place.

TREASURY MANAGEMENT INDICATORS 2020/21

1. Security: average credit rating

To measure the security of its portfolio, the council compares the historic risk of default of its investments against a maximum target rate.

As an example, *based on historic data*, a AAA (least risk) rated investment has 0% chance of default within one year and a 0.05% chance of default within three years. A BBB+ (most risk) rated investment has a 0.24% chance of default within one year and a 1.21% chance of default within three years.

	Target	Actual	Achieved
Historic risk of default	0.25% (max)	0.027%	Yes

2. Maturity structure of borrowing

This indicator is set to control the Council's exposure to refinancing risk – that all borrowing falls due for repayment at the same time. The maturity structure of fixed rate borrowing was:

	Upper Limit	Lower Limit	Actual	Achieved
Under 12 months ^{1,2}	50%	0%	40%	Yes
12 months and within 24 months	50%	0%	27%	Yes
24 months and within five years	60%	0%	5%	Yes
Five years and within 10 years	60%	0%	8%	Yes
10 years to 50 years	75%	0%	20%	Yes

¹Includes temporary borrowing for cash flow purposes.

²The Council's repayment profile for HRA self-financing debt includes significant sums in forthcoming years meaning that the proportion of borrowing falling due within one year will increase in relation to the overall debt portfolio. The Upper Limit on this indicator was re-set to 50% in 2018/19 and future years to accommodate this situation and allow scope for increased use of temporary borrowing from other local authorities at below PWLB rates. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

3. Principal sums invested for periods longer than 364 days

The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. It is used in conjunction with the liquidity indicator to ensure sufficient cash resources are available without penalty during the short to medium term. The total principal sums invested to final maturities beyond the year end were:

	2020/21 £000s	2021/22 £000s	2022/23 £000s
Limit on principal invested beyond year end	70,000	70,000	70,000
Actual principal invested beyond year end	17,000	49,380	34,440
Achieved	Yes	Yes	Yes

Name of Meeting: Cabinet
Date of Meeting: 28 June 2021
Subject Matter: Treasury Management 2020/21- Annual Report
Originating Department: Finance and Performance

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

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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