



Rugby Borough Council

Matter 13

Issue 13a: Transport (Policy D1)

Issue 13b: Parking Facilities and Standards
(Policy D2 and Appendix 5)

Issue 13c: Infrastructure and the IDP, including
Secondary

Issue 13d: Planning Obligations (Policy D4)

Issue 13a: Transport (D1)

1. **Is policy D1 positively prepared, effective and consistent with national policy, in particular seeking to ‘avoid the adverse impacts of traffic’ rather than ‘reduce’ its potential impacts?**
2. **Should policy D1 refer to the transport mitigation proposals set out in the Infrastructure Delivery Plan and the Sustainable Transport Strategy as the basis for mitigating the effects of major development proposals?**

1.1 In line with paragraph 29 of the NPPF, transport policies have an important role to play in facilitating sustainable development and that solutions will vary from urban to rural areas. Paragraph 32 notes that plans and decisions should take account of the opportunities for sustainable transport modes being taken up depending upon the nature and location of the site, and that improvements within the transport network are cost effective, seeking to limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

1.2 It may not be possible to ‘reduce’ the impact of major proposals in traffic terms. For example, expanding the urban settlement by means of a Sustainable Urban Extension will inevitably result in traffic impacts on land which is currently in agricultural use. In this sense it would not be possible to reduce the impact of a proposal where there is no development at present. However, the key consideration in NPPF terms is to limit the significant impacts of the development, and only refuse if the cumulative impacts are severe.

1.3 To make policy D1 more transparent, the following wording is suggested to ensure that the aim of the policy is to fully compliant with the NPPF. It would also be beneficial to refer to the Infrastructure delivery plan as per the second part of the question.

[proposed wording in **bold underlined font**, proposed deleted text in ~~strikethrough~~]

Policy D1: Transport

Development will be permitted where sustainable modes of transport are prioritised and measures designed to mitigate transport impacts arising from either individual development proposals or cumulative impacts caused by a number of proposals are provided.

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** avoid the adverse impacts of traffic. It must consider:

- a) the impact of the proposal upon existing infrastructure;
- b) how the site will connect safely to public transport;
- c) safe and convenient access to pedestrians and cyclists;
- d) potential impact of heavy goods vehicles accessing the site, including during construction.
- e) the entering into of bus and/or freight partnerships with the County Council and/or third parties;
- f) smaller scale development must be accompanied by a Transport Statement.
- g) mitigation measures as detailed in the Infrastructure Delivery Plan and other localised impacts as identified in the transport assessment.**

Issue 13b: Parking Facilities and Standards (Policy D2 and Appendix 5)

1. Are Policy D2 and the standards set out at Appendix 5, as proposed to be modified (LP54.179), effective and consistent with national policy, with particular reference to:

a. Whether the standards for residential development should be regarded as the maximum level of car parking permitted or expressed as guidance? Should the proposed modification LP54.179 be treated as a 'main modification'?

2.1 The standards are to be used as guidance as opposed to being maximum levels. Imposing maximum levels of parking would remove control from the Development Management process to ensure that the impacts of development can be fully mitigated and could lead to potential highway safety issues, particularly in areas where parking provision is currently deemed to be insufficient. While there is generally good bus, cycle and footpath provision across Rugby, unlike a city or larger urban area the provision is not entirely comprehensive. As such adequate parking provision is important to ensure safe parking and wider highway safety. Flexibility is required to ensure adequate provision is provided on a case by case basis.

2.2 It is also important to note that electric and hybrid cars are increasing in popularity and offer a clean travel solution which will increasingly require parking spaces. This is therefore not contradictory to paragraph 39 of the NPPF.

2.3 LP54.179 is provided for clarification and does not alter consideration of the parking standards for residential development. Without this modification,

residential parking is still not expressed as a maximum in the table. It is not considered therefore that LP54.179 should be treated as a 'main modification'.

b. The absence of parking standards for students and parents for secondary school, school 6th forms and for special schools?

2.4 Applications for new schools are often considered by the County Council, however in correspondence Warwickshire County Council have advised that they do not currently tend to support the provision of on-site parental pick up and drop off parking. However, all cases are looked at individually and depending on the geographic location, age range and ability of pupils, this could vary.

2.5 Over recent years when looking at the provision of new schools and/or the expansion of existing schools, the County Council has tended to look for parking provision for all full time staff with some additional cover for lunchtime supervisors etc.

2.6 At special schools, it is likely that more children will be transported to the school as opposed to walking and cycling. It is envisaged that a safe pick up and drop off facility would be required on site.

2.7 The County Council encourages all pupils to attend school by sustainable means and wouldn't usually seek parking spaces for sixth form students.

2.8 Due to the variety of factors and potential circumstances, the parking standards as amended below are proposed to cover all types of school under the Schools heading in Section 3 of Appendix 5.

| Schools (see note 1) | | | | |
|---|---|---|---|---|
| Staff and Visitors (see notes 2 and 3) | <u>Each case considered on its own merits</u> | <u>Each case considered on its own merits</u> | <u>Each case considered on its own merits</u> | <u>Each case considered on its own merits</u> |
| Parents (delivery and collection of children) | <u>Each case considered on its own merits</u> | | | |
| Student parking | <u>Each case considered on its own merits</u> | | | |

Policy Modifications

2.9 The following modification is proposed to Policy D2 following further work on a regional level to support modal shift and electric vehicles. Underneath the existing policy wording, within the policy box the following text should be added:

“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.”

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

2.10 The modification is proposed following the progress of the Warwickshire County Council Electric Vehicle Charging Infrastructure Strategy 2017-2026 and based on recommendations provided at an Air Quality Workshop held in Coventry on the 9th March 2018. This policy has not been tested in terms of the impacts on viability however the cost of the provision is deemed to be low and is much lower when incorporated into the design and build out of a development that being retrofitted at a later date. In addition the policy contains a clause to ensure that where it can be proved to be financially unviable the infrastructure would not have to be delivered in order not to jeopardise development coming forward.

2.11 This addition would be consistent with paragraph 35 of the NPPF, which states that plans should protect and exploit opportunities for the use of sustainable

transport modes for the movement of goods and people. The paragraph continues to state that developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Issue 13c: Infrastructure and the IDP, including Secondary Education Facilities (Policy D3 and Appendix 3).

1. Is Policy D3 justified, effective and consistent with national policy in its approach to the provision of new or improved infrastructure to support in the scale of development proposed in the RBLP?

3.1 The aim of the policy is to ensure that development cannot take place, unless impacts, particularly on infrastructure are mitigated. This applies to all forms of infrastructure including health, education, community facilities, the police and libraries as well as transport. The need for sufficient capacity being available on the existing network is important. This is entirely in line with paragraph 32 of the NPPF, in that the third bullet point of the latter paragraph seeks to ensure that improvements can be undertaken within the transport network that cost effectively limits the significant impacts of that development. It recognises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. If it is acceptable to the Inspector, a minor modification could be included to make the link to paragraph 32 clearer, and therefore the following suggestion to the wording is as follows:

“Policy D3: Infrastructure and Implementation

~~The scale and pace of **N**ew development will be dependent on sufficient capacity being available in existing infrastructure **and mitigating its impact.** to meet the demands of new development. 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., or through the provision of new infrastructure.~~

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

2. Does the Infrastructure Delivery Plan, as proposed to be modified in LP54.117-LP54.141, contain the full range of infrastructure necessary to mitigate and support the development proposed in the RBLP, including that identified in the Strategic Transport Assessment and the Council's written statements to the Stage 1 hearings?

4.1 The Infrastructure Delivery Plan (IDP) does not contain all infrastructure that will be required over the plan period in every situation; it only contains the main strategic infrastructure required to deliver the growth over the plan period. It will not cover smaller scale infrastructure requirements at a localised level. Specific and bespoke mitigation may be required in individual circumstances for development proposals, such as junction improvements. These pieces of infrastructure will be determined on a case by case basis.

4.2 The IDP is intended to be a live document, prepared with input from service providers, in particular from the County Council. It will be updated annually, particularly as infrastructure is progressed through its detailed design stages. Costs are estimated prior to detailed design, and then refined as infrastructure (particularly road infrastructure) progresses through stages such as safety audits. The IDP is therefore considered to be reasonable and compliant with paragraphs 17, 21 and 31 of the NPPF, in particular the need for Local Authorities to develop strategies for the provision of viable infrastructure necessary to support sustainable development. For allocated sites it identifies the infrastructure necessary to support major generators of travel, based upon Local Plan evidence such as the Strategic Transport Assessment (LP20). The IDP complements the requirement of paragraph 32 which seeks to ensure that all developments that generate significant amounts of traffic set out the improvements that are needed to allow sustainable development to go ahead. The IDP recommendations are based on the findings of LP20 which are specifically designed to mitigate the impacts of the growth as detailed in the Local Plan.

4.3 A scheme for improving the A426/A4071 Avon Mill Roundabout and the A426 Newbold Road/Hunters Lane junction has been added to the IDP. The STA assumed that this scheme would be delivered by 2026, but it is only partially funded and further developer contributions are unlikely to be triggered prior to 2030. It is therefore recommended that proportionate contributions are secured

from Local Plan sites where there is a demonstrable impact at the scheme location.

4.4 The IDP is justified and essential for development to take place in a properly planned and sustainable manner. The IDP details the required infrastructure to mitigate the planned growth which is exactly what the NPPF requires, thereby avoiding 'planning by appeal'. The IDP will be updated and modified periodically and any changes would be recorded on the Council's website. It is important that the IDP is kept up to date, with the most recent costings on infrastructure in order to assist in the consideration of development proposals, particularly in terms of any relevant Section 106 negotiations or the setting of CIL charges (should the Council decide to implement CIL). It adds clarity for developers and service providers and, in addition, can be used for funding bids.

3. In the light of the statement on secondary education to be submitted to the Council at the end of February 2018, does the RBLP make adequate provision for additional secondary education facilities to meet the needs arising from the housing growth proposed over the plan period to 2031.

5.1 Please see OTH 38 which gives details of secondary Education needs and Infrastructure.

5.2 The Local Plan makes provision for new secondary schools at Houlton and at South West Rugby. It is proposed that both of these new schools will initially operate at 6 Forms of Entry (FE) but both are on sites to support expansion up to at least 8FE.

5.3 In addition to the proposed new schools there are a number of existing schools with sites areas capable of expansion. Bilton School in particular is on a substantially sized site.

5.4 The Local Authority will work with existing and proposed new establishments to ensure a coherent secondary offer across the Borough.

5.5 The Local Authority supports the provision of admission above Published Admission Number (PAN) as a solution to short term pressures where appropriate. This can see schools taking a 'bulge class' without the need for permanent expansion and the subsequent provision of unnecessary surplus capacity.

5.6 In line with paragraph 6.10 of OTH038 in order to safeguard provision for the identified unmet need in secondary school places it is proposed to reserve 8.5ha of land for a secondary school on the Coton Park East site. This will provide a fall-back position only once all other options for expansion at existing schools have been exhausted. As such the following modification is proposed to policy DS7:

5.7 After the first sentence in policy DS7 add:

“Secondary school provision for Coton Park East is to be provided off-site. In order to safeguard provision for the eventuality that this is not possible an 8.5ha parcel of land is to be reserved for a secondary school. The location of this parcel of land will be identified in the masterplan SPD for the site. If not required the release of the land for residential development will be commensurate to the build-out of the site in accordance with an approved phasing plan which will be informed by ongoing monitoring and review of school places by Warwickshire County Council”.

5.8 After paragraph 4.48 in the supporting text insert a new paragraph:

“In order to safeguard provision for the identified unmet need in secondary school places it is proposed to reserve 8.5ha of land for a secondary school on the Coton Park East site. This will provide a fall-back position only once all other options for expansion at existing schools have been exhausted. The 8.5ha parcel will be taken out of the residential area and therefore if the site is required for a secondary school this will reduce the number of properties that the site can accommodate below the 800 figure as proposed in the policy.”

Issue 13d: Planning Obligations (Policy D4)

1. Is Policy D4 justified, effective and consistent with national policy in its approach to the use of planning obligations to mitigate the impact of development? In particular, is it consistent with the tests in paragraph 204 of the NPPF and the expectation in paragraph 203 of the NPPF that planning obligations should only be used where it is not possible to address unacceptable impacts by use of planning conditions?

6.1 Paragraph 203 of the NPPF makes it clear that local planning authorities should consider whether otherwise unacceptable development could be made acceptable

through the use of planning conditions or planning applications. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It is acknowledged that the policy as worded does not refer to planning conditions and as a result, one unintended interpretation of the policy could infer that planning obligations would be utilised in preference to planning conditions. This was not the intended wording of the policy. As a result, it is considered that a proposed modification could address this.

6.2 Paragraph 204 of the NPPF introduces the three tests for planning obligations in that they should only be entered into where they are necessary to make the development acceptable in planning terms; that they are directly related to the development; and that they are fairly and reasonable related in scale and kind to the development. It is recognised that the NPPF is shortly to be revised and therefore a reference to these specific paragraph numbers may render the policy out of date. However, the proposed modification could replace some of the wording in the existing policy to make it clear that it is the intention of the policy to fully embrace the paragraph 204 tests. The following modification is suggested as a result:

Policy D4: Planning Obligations

~~“Where it is necessary to mitigate against the impact of a development proposal planning permission will only be granted when **When planning conditions cannot address unacceptable impacts**, a legal agreement or planning obligation **may be** is entered into with the Council, in line with the Community Infrastructure Levy (CIL) Regulations 2010 **(as amended)**.~~

In the first instance infrastructure contributions will be sought “on site”. However where this is not possible an off-site (commuted) contribution will be negotiated.

The type, amount and phasing of contributions sought from developers will be: **necessary to make** related to the form and scale of the development **acceptable;** **directly related; and fairly and reasonably related in scale and kind to the development.** ~~its potential impact on the site and surrounding area and the **levels** of existing infrastructure, and community facilities. The **and** -financial viability of the development will **may** also be **relevant** a considerations**s**.”~~