

QUINTON NEIGHBOURHOOD DEVELOPMENT PLAN PRE-SUBMISSION (REGULATION 15) MARCH 2022

Representations (under The Neighbourhood Planning (General)
Regulations 2012) on behalf of Redrow Homes Ltd

REPORT

Document status					
Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
1	QNDP reps draft for client review	DRO	CAF	CAF	28.02.2022
2	Final agreed version	DRO	CAF	CAF	11.03.22

The report has been prepared for the exclusive use and benefit of our client and solely for the purpose for which it is provided. Unless otherwise agreed in writing by RPS Group Plc, any of its subsidiaries, or a related entity (collectively 'RPS') no part of this report should be reproduced, distributed or communicated to any third party. RPS does not accept any liability if this report is used for an alternative purpose from which it is intended, nor to any third party in respect of this report. The report does not account for any changes relating to the subject matter of the report, or any legislative or regulatory changes that have occurred since the report was produced and that may affect the report.

The report has been prepared using the information provided to RPS by its client, or others on behalf of its client. To the fullest extent permitted by law, RPS shall not be liable for any loss or damage suffered by the client arising from fraud, misrepresentation, withholding of information material relevant to the report or required by RPS, or other default relating to such information, whether on the client's part or that of the other information sources, unless such fraud, misrepresentation, withholding or such other default is evident to RPS without further enquiry. It is expressly stated that no independent verification of any documents or information supplied by the client or others on behalf of the client has been made. The report shall be used for general information only.

Prepared by:

RPS

321 Bradford Street
Birmingham, West Midlands B5 6ET

Prepared for:

Redrow

Contents

1	INTRODUCTION	1
2	NATIONAL POLICY AND GUIDANCE ON BASIC CONDITIONS	2
3	CRITERIA A) HAVING REGARD TO NATIONAL POLICIES AND ADVICE	8
4	CRITERIA D) CONTRIBUTING TO THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT	14
5	CRITERIA E) GENERAL CONFORMITY WITH THE STRATEGIC POLICIES	17
6	CRITERIA F) COMPATIBILITY WITH THE EU OBLIGATIONS	19
7	RESPONSE TO OTHER SUPPORTING DOCUMENTS	21
8	CONCLUSIONS	26

Tables

No table of figures entries found.

Figures

Figure 4-1 <i>Flood Risk from Surface Water (taken from Regulation 15 PSQNDP, February 2021)</i>	15
--	----

1 INTRODUCTION

- 1.1 RPS has been commissioned by Redrow to prepare representations on the Pre-submission ('Regulation 15') version of the Quinton Neighbourhood Development Plan ('QNDP'). In respect of this process, the 'Qualifying Body' responsible for preparing the QNDP is Quinton Parish Council ('QPC') and the 'Competent Authority' is Stratford-Upon-Avon District Council ('SADC').
- 1.2 The representations submitted as part of this process are in respect to Redrow's interest in Land West of Goose Lane, Lower Quinton ('the Site'). Redrow has a long-standing commitment to bring forward this site for development, and seek to do so with input from the Parish Council. Redrow considers the Land at Goose Lane to represent an ideal site for residential development (along with other associated uses) as a natural extension to the village.
- 1.3 The representations submitted here provide a response on the extent to which the QNDP meets the 'Basic Conditions', defined in the Town and Country Planning Act (1990), to understand the compliance of the QNDP with the statutory provisions. Comments are also provided on other aspects of the evidence and documentation submitted by the qualifying body, as far as they relate to the basic conditions.

2 NATIONAL POLICY AND GUIDANCE ON BASIC CONDITIONS

- 2.1 This section highlights the key elements of national policy and practice guidance that the Qualifying body ('Quinton Parish Council') and the Competent Authority ('Stratford-upon-Avon District Council') must have regard to in the preparation of the Quinton Neighbourhood Development Plan ('QNDP').

National Policy and the Basic Conditions

- 2.2 Paragraph 37 of the National Planning Policy Framework ('NPPF') 2021 explains that:

“Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.”

- 2.3 The basic conditions are set out in Paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the PPG. They are as follows:

(2) A draft order meets the basic conditions if—

(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order;

(b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order;

(c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order;

(d) the making of the order contributes to the achievement of sustainable development;

(e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);

(f) the making of the order does not breach, and is otherwise compatible with, EU obligations; and

(g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

- 2.4 Paragraph 30 of the NPPF explains that,

“Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently...”

- 2.5 Neighbourhood Plans are therefore a powerful tool for development management purposes insofar they are not superseded by subsequent policies. It is important therefore that Neighbourhood Plans are carefully and coherently drafted to ensure that they do not prevent sustainable development, are consistent with existing and also, insofar as possible, emerging plans, and national planning policy and guidance.

- 2.6 Importantly, all plans, including local plans but also neighbourhood plans, need to be justified in order to be adopted as part of the development plan for the area. Paragraph 31 of the NPPF makes clear in this regard that:

“...all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned...”

- 2.7 The need for justified policies therefore falls on policies in the QNDP, and not simply part of the test of soundness governing local plans.

Planning Practice Guidance on neighbourhood planning

- 2.8 The Neighbourhood Plan chapter of the Planning Policy Guidance (PPG) runs to 49 pages. While it is often considered (by some) that the examination of Neighbourhood Plans embodies a “light touch” approach, the PPG makes clear that should not be case. It is important therefore that robust representations are made in respect of the process, which Redrow do here. There is significant guidance on what neighbourhood planning involves, the interaction between Neighbourhood Plans and strategic policies contained in extant and emerging development plans, and how the basic conditions can be met.
- 2.9 Beyond the PPG, RPS is also mindful of other sources of guidance, including Written Ministerial Statements, and advice from Government. In February 2022, Joanna Averley (Chief Planner - DLUHC) wrote to local planning departments, advising of a number of changes and clarifications. One of these clarifications concerned the Strategic Environmental Assessment (‘SEA’) and Neighbourhood Development Plans. This letter makes clear that where plans have the potential for ‘likely significant environmental effects’ an SEA report is required. The letter goes onto specify that factors which could give rise to such effects could include either significant environmental constraints within the Plan area, or the proposed allocation of sites for development.

The importance of sharing evidence between Plans

- 2.10 The interaction between the QNDP and the extant development plan¹ as well as the emerging development plan are important. The QNDP must be in general conformity with the strategic policies of the development plan, but the PPG also explains the following very important points in respect of emerging plans, which is of particular relevance in this case:

Can a neighbourhood plan come forward before an up-to-date local plan or spatial development strategy is in place?

*“Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan **the reasoning and evidence informing the local plan process is likely to be***

¹ For the purposes of the Basic Conditions, the Development Plan comprises the Stratford Upon Avon Core Strategy 2011-31 (adopted July 2016)

relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.

Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

the emerging neighbourhood plan;

the emerging local plan (or spatial development strategy);

the adopted development plan;

with appropriate regard to national policy and guidance.”

The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.²
(Emphasis added)

2.11 The sensible and straightforward reason for that approach is explained in the same paragraph:

“The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”³
(Emphasis added)

2.12 That is not the only place where the PPG encourages the sharing by the LPA of evidence used to support its own plan making. It is clearly important therefore that there is a cogent evidence base at

² Paragraph: 009 Reference ID: 41-009-20190509

³ Paragraph: 009 Reference ID: 41-009-20190509

a strategic and local level, and the QNDP need to have regard to evidence gathered by the LPA. It is clearly the intention of the PPG that conflicts between emerging plans are to be avoided.

NDPs and site allocations

2.13 In respect of site allocations (or, in this case, proposed designations), the PPG contains the following guidance:

“Can a neighbourhood plan allocate sites for development?”

A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.⁴

2.14 Further advice is also provided:

“What if a local planning authority is also intending to allocate sites in the same neighbourhood area?”

If a local planning authority is also intending to allocate sites in the same neighbourhood area the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area. It should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress. A local planning authority should share evidence with those preparing the neighbourhood plan, in order for example, that every effort can be made to meet identified local need through the neighbourhood planning process”.⁵

2.15 Therefore, the process of allocating or designating new parcels of land in the neighbourhood plan as a means to influence decision-making on those sites must be undertaken in the context of the relevant strategic policies in the higher order plan and also to ensure that conflicts between the two plans are kept to a minimum, as required in the PPG.

2.16 The principle means by which consistency across the order of plans is achieved is by ensuring sufficient clarity in the policy drafting process which, in turn, is informed by an appropriate evidence base. This is equally applicable to neighbourhood plans as to local plans, as emphasised in the PPG. If the policies are not clear and supported by sufficient and appropriate evidence, it would be difficult to conclude that they contribute to the achievement of sustainable development and/or are consistent with national planning policy:

“How should the policies in a neighbourhood plan be drafted?”

A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by

⁴ PPG Paragraph: 098 Reference ID: 41-098-20190509

⁵ PPG Paragraph: 043 Reference ID: 41-043-20140306

appropriate evidence. *It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”⁶*
(emphasis added)

- 2.17 Part of the reason for doing so this is to provide sufficient clarity to developers, local communities and any other interested parties about the scale and nature of development proposed in the neighbourhood plan area⁷.

SA/SEA

- 2.18 As indicated above in Paragraph 2.9, there may be instances where a neighbourhood plan should prepare a strategic environmental assessment (“SEA”). The QNDP seeks to allocate a single ‘reserve site’ under Policy HO2, for 30 dwellings. Despite this, the qualifying body and SADC have determined that an SEA is not required. We provide a response on this under section 6. SEA is part of one of the basic conditions that will need to be tested by the independent Examiner, and consideration will need to be given as to whether the making of the neighbourhood plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive)⁸.
- 2.19 Regardless of whether SEA is required or not, a Sustainability Appraisal (‘SA’) provides a useful vehicle through which the SEA can be carried out. As the PPG explains,

What is a sustainability appraisal, and how does it relate to strategic environmental assessment?

“Sustainability appraisals incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the ‘Strategic Environmental Assessment Regulations’), which implement the requirements of the European Directive 2001/42/EC (the ‘Strategic Environmental Assessment Directive’) on the assessment of the effects of certain plans and programmes on the environment. Sustainability appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues.”⁹

- 2.20 An SA can assist qualifying bodies in demonstrating how the QNDP will contribute to achieving sustainable development and ensure its choice of site allocations / reserve sites is appropriate in light of alternatives. Preparing SA (which incorporates the requirements of SEA) also provides the local community and other stakeholders with an opportunity to engage with the evidence that informed the QNDP proposals, in order to understand the choices of site allocations and / or reserve

⁶ PPG Paragraph: 041 Reference ID: 41-041-20140306

⁷ PPG Paragraph: 002 Reference ID: 61-002-20190315

⁸ PPG Paragraph: 027 Reference ID: 11-027-20150209

⁹ Paragraph: 001 Reference ID: 11-001-20140306

sites made by the qualifying body as they emerge and respond to those choices, thus ensuring people have a stake in the neighbourhood plan process.

- 2.21 If, as in the case at Quinton, neither an SEA nor SA is prepared in support of the emerging neighbourhood plan, the qualifying body is still required to demonstrate how the QNDP will contribute to achieving sustainable development¹⁰. This is clearly logical because SEA only addresses the environmental dimension of sustainable development, and not social or economic considerations¹¹. Importantly, in demonstrating that the QNDP does contribute to achieving sustainable development, the qualifying body should present 'sufficient and proportionate evidence'¹² which, if appropriate, can draw on information produced for the SA of the local plan (in this case the Stratford-upon-Avon Core Strategy) or draw on other relevant evidence gathered by the local planning authority to support its own plan-making¹³ which, in this case, could comprise evidence gathered as part of the District-wide emerging Site Allocations Plan ('SAP').

¹⁰ Paragraph: 026 Reference ID: 11-026-20140306 Revision date: 06 03 2014

¹¹ Paragraph: 073 Reference ID: 41-073-20190509 Revision date: 09 05 2019

¹² Paragraph: 072 Reference ID: 41-072-20190509 Revision date: 09 05 2019

¹³ Paragraph: 040 Reference ID: 41-040-20160211 Revision date: 11 02 2016

3 CRITERIA A) HAVING REGARD TO NATIONAL POLICIES AND ADVICE

3.1 This section provides a response to the question of whether the QNDP has met the basic conditions test. In doing so, the submissions made here only respond to the basic conditions criteria that are of most relevance to this neighbourhood plan. RPS therefore responds to the relevant basic conditions, in turn.

Lack of clarity in the Qualifying body's approach to site selection

- 3.2 As highlighted in the previous section, national policy and guidance makes clear that plans, including neighbourhood plans, should be underpinned by relevant and up-to-date evidence that is adequate and proportionate¹⁴. The presentation of sufficient evidence is therefore critical to the process of making neighbourhood plans. A particular policy in this respect is Policy HO2, which proposes the allocation of a reserve site (Land East of Goose Lane) for 30 dwellings. RPS does not consider this policy meets the basic conditions test, as detailed below.
- 3.3 Section 2 of the Basic Conditions Statement ('BCS') provides a commentary on the how the QNDP 'demonstrates conformity' with the Framework. Paragraph 2.7 of the BCS refers to advice in the Framework which encourages Neighbourhood planning groups to give 'particular consideration to the opportunities for allocating small and medium sized sites suitable for housing in their area'¹⁵. However, the BCS provides no explanation on how the QPC has applied this policy advice. Furthermore, whilst the BCS refers to a number of paragraphs in the Framework, no reference is made to the paragraph 31, which sets out clearly the requirement for up to date, adequate relevant and proportionate evidence as a basis for the QNDP. Therefore, from the information provided in the BCS, it is not clear how the QPC has had regard to the need for particular aspect of the Framework in the preparation of the QNDP.
- 3.4 The provision of sufficient evidence has, nonetheless, particular relevance and significance to the assessment and selection of sites. Without sufficient evidence, the Plan cannot be said to meet the basic conditions test. Page 20 of the QNDP identifies a number of 'Reference Documents' which could be said to relate, to some extent, to Policy HO2 and the provision of reserve sites. However, none of these documents refer to any standalone work covering the assessment of potential site options (or 'opportunities') available within the neighbourhood plan area.
- 3.5 The only information in the QNDP relating specifically to the consideration of potential reserve sites is presented in section 6.1.29-6.1.42. Paragraph 6.1.39 states that:

"The QPC carefully considered all of the potential 'amber sites as identified in the SHLAA proposals and SAP preferred options against the Plan's Strategic Objectives..."

¹⁴ NPPF 2021, para 31

¹⁵ NPPF 2021, para 69

- 3.6 Paragraphs 6.1.40-6.1.42 of the QNDP then provides a summary commentary which seeks to briefly outline the reasons for discounting any other site options as potential reserve sites.
- 3.7 From the information provided in the QNDP, it remains unclear how QPC has undertaken an appraisal of site options, in particular what methodology or criteria has been used to assess all reasonable site options. The evidence provided fails to demonstrate that all the site options have been assessed on a fair and consistent basis. Without a consistent appraisal of all sites, QPC's evidence to demonstrate the preference for Land East of Goose Lane as a reserve site does not exist. This is contrary to the need for evidence that is based on an appraisal of options and an assessment of individual sites against clearly identified criteria, as required by national guidance and which underpins the test of 'relevant, adequate and proportionate evidence' required in national policy¹⁶.
- 3.8 In conclusion, the lack of any standalone work covering the assessment of all potential reserve site options is a significant gap in QPC's evidence, which it has sought to fill through a rudimentary consideration of the sites. RPS contends the evidence provided to support the preparation of the QNDP is inadequate and insufficient with respect to the identification of sites and therefore is not proportionate.

Lack of regard to other relevant evidence on site selection

- 3.9 In preparing neighbourhood plans, qualifying bodies should also have regard to other relevant evidence that is available as part of the local planning authority's own plan-making. With respect to the QNDP, that evidence relates to the ongoing work at the district level being progressed as part of the emerging Site Allocations Plan ('SAP') process.
- 3.10 The SAP was recently the subject of a second preferred options consultation, carried out between October and December 2020. This preceded the draft consultation (Regulation 14) stage of the QNDP. As recognised in the QNDP (at para 6.1.24) the SAP contains preferred options for reserve sites. The SAP is moving towards the next stage in its preparation (Pre-Submission stage) and will be consulted on in due course. It is therefore at a relatively well-developed stage in its preparations, and sets out what it sees as the key .
- 3.11 To support the preparation of the SAP, and the identification of reserve sites, SADC prepared a number of technical assessments. These included:
- Strategic Housing Land Availability Assessment ('SHLAA');
 - Education Capacity Assessments;
 - Heritage Impact Assessments ('HIA');
 - Highway Access Assessments;

¹⁶ NPPF 2021, para 31

- Stratford-upon-Avon Highway Capacity Assessment;
- Level 1 and 2 Strategic Flood Risk Assessment ('SFRA');
- Sub-Regional Employment Market Signals Study; and
- Stratford Affordable Workspace Report.

3.12 SADC also prepared a Sustainability Appraisal, which incorporates the requirements for SEA, which is also at the draft stage and has been taken into account in identifying the preferred sites in the SAP.

3.13 Drawing all this information, SADC provides an assessment of site options including those selected as reserve sites in the SAP. This is provided at Annex 1 and 2 of the latest SAP consultation version. The assessment has applied a range of criteria that allows for consideration of the merits of individual sites and allows comparisons between sites to be drawn in particular locations. In broad terms, the methodology applied by SADC to the assessment of site options in the SAP is not in dispute (though RPS has submitted representations with regards to the specific findings on certain elements of the evidence base relating to specific sites). The methodology applied by SADC therefore provides a suitable basis for assessing sites and an obvious starting point for identifying sites through the QNDP process.

3.14 Informed by the various evidence documents highlighted above, the SAP identifies four potential reserve sites located within the QNDP area. One of these is Land East of Goose Lane which is the site preferred by the QPC (ref. 'QUIN8/QUIN.D'). The selection of four sites in the SAP differs markedly to the single site identified by the QPC for the QNDP. However, the QPC provides no clear explanation for why it has ignored the available, relevant evidence used to inform the SAP, and no explanation for why it has not considered applying the SAP methodology as basis for assessing the site options located within the QNDP area. Indeed, it has not expressed a reason why it seeks to depart from the emerging SAP, a document which will form part of the Council's Development Plan in the future.

3.15 Similarly, the QNDP appears to cherry pick elements of the SAP to suit its position with regards to its preference for Land East of Goose Lane, but uses other 'evidence' to discount or disregard consideration of other potential sites and downplay the relevance of the SAP. This is clear based on the reference at paragraph 6.1.34 of the QNDP, which states:

"The QPC agreed that one site on Goose Lane should be safeguarded within the Plan as a Reserve Housing Site in accordance with Policy HO.2. This Goose Lane site is shown in Figure 11. This site has already been proposed by SADC as part of the SAP consultation process in 2020 and has been supported by the QPC as part of that consultation." (RPS emphasis)

3.16 But which differs somewhat to the position taken on the SAP elsewhere in the QNDP, at paragraph 6.1.26, which states:

“In relation to the SAP the Quinton Plan takes account of the fact that 82% of respondents to the residents survey do not want to see future housing built outside the BUAB.” (RPS emphasis)

3.17 It can be seen, therefore, that the QPC places great weight on the findings of the residents survey as a basis for limiting the number of reserve sites identified in the QNDP, but ignores the evidence underpinning the identification of three further sites in the SAP, whilst applying the SAP as a basis for favouring a single site. This raises obvious concerns that the assessment and selection of sites in the QNDP has not applied the available evidence on a consistent basis, and has been influenced by other non-planning related factors.

3.18 This appears to be confirmed with reference to the commentary in paragraph 6.134 of the QNDLP, which places significant weight on fact that the preferred site is under a particular ownership and that this site is that landowner’s preferred site for future development as it would not interfere with their wider landowning interests in the Quinton NDP area. It states;

“It [the preferred site] is owned by Magdalen College and in discussions with their agent it is understood that this would be their preferred site for further development should a reserve site be required in Quinton by SADC. The indicative number of houses estimated by SADC in the SAP is 30. It is a relatively small parcel of land adjacent to an existing development and the loss of this land would not materially affect the College’s farming activities. “

3.19 These are clearly not planning considerations and should not be taken into account as part of the assessment or justification for the selection of certain sites.

3.20 Based on the foregoing analysis, RPS contends that the QPC has sought to ignore the full range of available evidence regarding the planning merits of all potential reserve sites located within the QNDP area, favouring non-planning (landownership) considerations as a key justification for favouring the preferred site. Furthermore, the QPC has sought to cherry pick the evidence that is available, in particular the identification of the preferred site as one of the potential sites identified in the SAP. The QPC’s approach to use of available evidence is therefore partial, inconsistent, and therefore inadequate, and is therefore contrary to national guidance on the co-ordination of evidence between different plans that are being progressed simultaneously.

Lack of clear justification for discounting reasonable alternative reserve sites

3.21 RPS notes the amendments made as part of the Pre-Submission QNDP, which seek to update the references to the latest SHLAA 2020 assessment (and the consequential insertion of an up to date map showing site options available at Quinton, including Land West of Goose Lane, sites 18 and 19). However, these amendments are largely editorial and do not address the significant concerns raised by RPS at the Regulation 14 consultation stage (see section of 7 of this submission for a more detailed response to the Consultation Statement, which includes an extract from the Regulation 14 submission which summarises the concerns identified at that stage).

- 3.22 Of concern now is the additional commentary provided in the QNDP that seeks to justify the exclusion of sites 18 and 19 (comprising the full extent of the land under control of Redrow on land west of Goose Lane), set out at paragraph 6.1.42 of the QNDP. RPS notes that the apparent criticism of the land under Redrow's control applied by the QPC takes both sites together, rather than considering each site individually. On this basis, both sites have been excluded because of the *'sizeable number of dwellings on these sites which if built would 'enlarge significantly' the BUAB (built up area boundary) of Lower Quinton and extend the building line southwards towards the AONB. There would also be the requirement for a new access road with the consequent impact on local traffic onto Goose Lane'*.
- 3.23 RPS disagrees with the logic of the commentary provided by the QPC as a reason for excluding both sites. Firstly, when considered individually, it is clear that both sites 18 and 19 represent similar land parcels in terms of their size and extent, and therefore the potential quantum of development (as shown in Figure 10 of the QNDP), when compared to the preferred site (site 8). Secondly, reference is made to the need for a new access road into site 18 off Goose Lane which, in the QPC's view, would be unacceptable. However, a new ingress road would also need to be provided off the preferred site, also onto Goose Lane, in order to provide suitable access into that site. There is therefore no difference between site 18 and site 8 in this regard, using QPC's logic. Thirdly, the QPC claim that releasing site 18 and 19 for development would extend the building line southwards towards the AONB. However, this is erroneous because there is already a substantial area of residential development that lies between sites 18 and 19 and the AONB, namely Upper Quinton. There would therefore be minimal impact on the AONB from developing sites 18 and 19. And fourthly, with regards to the extension of the BUAB as a result of building out sites 18 and 19, the extent of any development on these sites could be limited by a way of specific policy criteria which could restrict the southward extension of the sites. This would ensure a meaningful gap could be maintained between Upper and Lower Quinton. However, the QPC has chosen to ignore this potential solution in favour of extending the BUAB to the east of Goose Lane instead were the preferred reserve site to come forward for development.
- 3.24 For the reasons set out above, the analysis clearly demonstrates there is no obvious reason for excluding either site 18 or 19 when compared to the preferred site (site 8). The only material difference RPS can point to is that sites 18 and 19 are not owned by the owners of the preferred site. However, this is not a planning consideration and so is not relevant to the appraisal of reasonable alternative sites for the QNDP. On this basis, the QPC has provided no clear to exclude sites 18 and 19 from being identified as reserve sites in the QNDP. This accords with the findings of the ongoing work on the SAP, which identifies both sites 18 and 19 as 'amber' (potentially deliverable) sites in the SHLAA 2020.

Summary

- 3.25 Based on the foregoing analysis, the approach taken by QPC in the assessment and selection of the preferred site (Land East of Goose Lane), and exclusion of all other reasonable, is inadequate

and falls significantly short of the evidential basis necessary to justify the preferred approach. Under these circumstances, the QNDP fails criteria (a) of the basis conditions.

- 3.26 On this basis, RPS recommends that Policy HO2 is deleted and that the process by which reserve sites are identified in the NDP areas is left to the SAP process to complete.

4 CRITERIA D) CONTRIBUTING TO THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

4.1 This section provides a response on whether the QNDP contributes toward achieving sustainable development and so meets the basic conditions.

Evidence demonstrating compliance with criteria d)

4.2 As highlighted in section 2 of this submission, whilst a Sustainability Appraisal is not required for the purpose of neighbourhood planning they nonetheless provide a useful tool for ensuring that the QPC can demonstrate that, in preparing their plans, they contribute towards achieving sustainable development. This not only includes environmental considerations, but also social and economic considerations.

4.3 It is noted that the QNDP is not supported by an SA. Nevertheless, the QPC is still required to demonstrate how the QNDP will contribute to achieving sustainable development¹⁷. RPS notes that the QPC has not prepared any other standalone work that addresses this requirement. The QPC will no doubt rely on the Basic Conditions Statement in this regard. However, it is clearly evident that the preparation of the QNDP has not taken into this requirement, given the QPC's decision to select Land East of Goose Lane as its only reserve site.

4.4 Specifically, evidence presented within the QNDP itself, on flood risk (corroborated by updated flood risk evidence prepared by SADC for the SAP) shows that the preferred site is at significant risk of surface water flooding and so does not represent a most sequentially preferable site, which also brings into question the wider justification for its selection in the QNDP. This is explained below.

4.5 National policy stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk¹⁸. To do this, the NPPF requires, "... all plans to apply a 'sequential (risk-based) approach' to the location of new development so as to avoid, where possible, flood risk to people and property.." ¹⁹. The aim of the sequential approach, the NPPF states is, "...to steer new development to areas with the lowest risk of flooding..." with the overall objective being that "... Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding..." ²⁰ (RPS emphasis).

4.6 The extract taken from Figure 16 of the QNDP, represented below (as Figure 3.1), shows the extent of likely flood risk from surface (pluvial) sources at Lower Quinton, drawn from SADC's own evidence base on Strategic Flood Risk Assessment.

¹⁷ Paragraph: 026 Reference ID: 11-026-20140306 Revision date: 06 03 2014

¹⁸ NPPF 2021, paragraphs 32 and 159

¹⁹ NPPF 2021, paragraph 161

²⁰ NPPF 2021, paragraph 162

Figure 4-1 Flood Risk from Surface Water (taken from Regulation 15 PSQNDP, February 2021)



- 4.7 It can be seen that the area of land to the east of Goose Lane, running along a north-south axis between Lower and Upper Quinton, and which includes the location of the preferred reserve site (Site 8), is within a larger area at risk of flooding from surface water. This is therefore clearly a matter that should have been investigated and addressed as part of the site assessment and selection process, as well as part of the assessment of significant effects (this is discussed in more detail in the next chapter).
- 4.8 Furthermore, any new development in that location is likely to increase the flood risk to people and property based on available information. Under these circumstances, new development should be directed to areas at lower risk of flooding, in accordance with the sequential approach under national policy. On the other hand, the land under Redrow's control, including Land West of Goose Lane, is located on the southern edge between Lower and Upper Quinton, on land which is not affected by surface water flood risk (or any other form of flood risk). This site, in accordance with national policy, would clearly represent a reasonably available site appropriate for the proposed development in an area with a lower risk of flooding that would be sequentially preferable to the preferred site in the QNDP (Site 8). This would be a factor that would count in favour of the West of Goose Lane site as part of any site assessment process, but which has not been taken into account at this stage.
- 4.9 The result is that the QNDP is seeking to allocate a site (site 8) that is less sequentially preferable to other land parcels (Sites 18 and 19, comprising Land West of Goose Lane), contrary to national policy on managing flood risk and new development. Furthermore, the likely impact from flood risk on new development within site 8 due its location east of Goose Lane has not been taken into account by the QPC in favouring the site. Notably, no mention is made to the significant risk of flooding on the preferred site as part of the QPC's justification for the preferred site under Policy HO.2 of the QNDP. RPS contend that, on these grounds, the choice of Land East of Goose Lane

as the only preferred reserve site in the QNDP has not been justified in light of the availability of other more sequentially-preferable sites in the QNDP area.

- 4.10 Based on the foregoing analysis, RPS contend that directing new housing to the preferred site, a site that is at significant risk of flooding, and which is less favourably located compared to other potential sites does not contribute towards achieving sustainable development. Consequently, the QNDP fails criteria d) of the basic conditions.

Summary

- 4.11 When preparing neighbourhood plans, qualifying bodies must demonstrate their plans contribute to achieving sustainable development. This is necessary not only to meet criteria d) of the basic conditions, but is also part of the wider requirement for plans to promote sustainable development in accordance with national policy²¹.
- 4.12 QPC has chosen not to undertake a sustainability appraisal for the QNDP (as is their right not to). However, no other standalone work has been undertaken to demonstrate that the QNDP contributes to achieving sustainable development. This is of particular relevance to the process followed which has led to the preference for Land East of Goose Lane as a reserve site.
- 4.13 Specifically, the QNDP favours land that is located in a less sequentially-favourable location (in terms of flood risk) to other potential site options available within the QNDP area. This is contrary to the national policy imperative to guide development towards sustainable solutions²². No evidence is provided in the NDP to justify this decision.
- 4.14 Without any rigorous site assessment or appraisal work focused on sustainability issues to justify its approach, it cannot be said that the QNDP contributes towards achieving sustainable development.
- 4.15 Consequently, the QNDP fails criteria d) of the basic conditions.

²¹ NPPF 2021, para 7-9

²² NPPF 2021, para 9

5 CRITERIA E) GENERAL CONFORMITY WITH THE STRATEGIC POLICIES

5.1 This section provides a response on whether the policies of the Pre-Submission QNDP meet criteria e) of the basic conditions.

Policy HO.1 Future Housing and Growth

5.2 This policy is now drafted under six bullet points. The second bullet seeks to define those types of housing development that would be appropriate outside the BUABs of Quinton. The first part of the bullet states:

“All areas outside the built-up area boundary are classed as countryside. New dwellings within the countryside will be strictly controlled and limited to...(types of development listed after)...”

5.3 RPS disputes the policy as drafted on the grounds that the wording is not in general conformity with the development plan, nor is it consistent with national policy. This is because the development plan, through Policy CS.15 (Distribution of Development) and Policy AS.10 (Countryside and Villages) of the 2016 Core Strategy, allows for opportunities to bring forward development that, whilst not being located within a defined BUAB, may nonetheless fall within the ‘physical confines’ of the settlement. This would suggest there is some measure of flexibility in how proposals are assessed where they sit adjacent to existing built-up areas, which is not reflected in the wording of Policy HO.1.

5.4 Similarly, Policy AS.10 (in the penultimate paragraph) also allows for development in the countryside where it would, “*..offer significant benefits to the local area and not be contrary to the overall development strategy...*”. RPS suggests that this policy provides support where such benefits can be secured in locations including those at defined Local Service Villages, one of which is Quinton, where development is supported under Policy CS.15. Similarly, Policy AS.10 does not seek to ‘strictly control’ development as is being attempted under Policy HO1.

5.5 Furthermore, national policy no longer seeks to protect all areas of countryside for its own sake, but rather policy and decisions should “*...recognise the intrinsic character and beauty of the countryside...*” (NPPF 2021, paragraph 174).

5.6 The need for flexibility in the policy is also reflective of the fact that the adopted District-wide housing requirement (at least 14,600 dwellings by 2031) and the housing apportionment for the Local Service Villages, are not absolute limits or maximum targets that, once met, should not be exceeded. This is important given the suggestion in the QNDP (at paragraph 6.1.18) that the housing target for Quinton has already been met. As highlighted above, RPS contend that the housing figures set by the Core Strategy are based on minimum and approximations of growth and so should not be interpreted as ceilings on future development.

5.7 On this basis, the inclusion of wording ‘strictly controlled’ is not in general conformity with the strategic policies of the development plan and so, if retained, Policy HO1 fails criteria e) of the basic conditions.

Policy HO.4 Affordable Housing and Housing Stock Mix

- 5.8 The first bullet point under this policy seeks the provision of 'small development and for 2/3 bedroom houses and bungalows, based on the preferences indicated by residents.
- 5.9 Policy CS.19 of the Core Strategy established the strategic policy approach regarding dwelling mix. It states that all new homes will contribute to the creation of balanced and sustainable communities, "... by meeting identified local and District housing needs in terms of mix, size, tenure and type to cater for the full range of different households."
- 5.10 Any provision made for particular mix of dwellings (by type, size, or tenure) must be informed by credible evidence. The evidence relied upon in Policy HO.4 comes from the residents survey that has provided an input into the QNDP process from the local community. Nevertheless, it is not clear whether any housing survey or other standalone evidence work has taken place on the housing stock or household mix within the parish to justify the requirement for a specific mix of dwellings proposed in the policy based on local need. Whilst a residents survey has some value, it constitutes a primary data source that could easily change and become quickly out of date were a different set of respondents were to input into the survey. Such surveys also point more to the needs of existing households rather than indicating what future needs might be in the area that could be met through new development. Therefore, RPS does not consider it sufficient for policy criteria to rely solely on a residents survey.
- 5.11 Unless further evidence can be provided to inform and justify the proposed policy approach on dwelling mix, RPS suggest this particular criteria does not adequately evidenced and does meet an identified need. It is therefore not in general conformity with Policy HO.4, and so fails criteria e) of the basic conditions.

Summary

- 5.12 The QNDP is supported by a number of generic topic-based policies, including criteria relevant to determining planning applications for housing development. RPS has reviewed these policies and has identified issues and concerns regarding their general conformity with the strategic policies of the development plan, which show that elements of these policies do not meet the basic conditions test (criteria e). The policy criteria in question will need to be modified in that it can meet the basic conditions before it can be recommended to pass to referendum.

6 CRITERIA F) COMPATIBILITY WITH THE EU OBLIGATIONS

- 6.1 Section 5 of the BCS provides a brief explanation for why, the QPC's opinion, the QNDP meets the EU obligations, in particular with respect to the matter of Strategic Environmental Assessment ('SEA'). The BCS refers to the preparation of a screening report undertaken by Lepus Consulting on behalf of SADC between January and April 2021. On the basis of the screening exercise and the responses from statutory consultees and SADC, dated 28 April 2021, it is stated that SEA is not required to support the QNDP.
- 6.2 RPS maintains the view that, if Land East of Goose Lane (preferred site) is to be identified in the QNDP, then SEA is required and that this should inform the preparation of the QNDP. RPS provides separate responses to the SEA screening report, set out in section 7 of this submission, which identifies a number of issues and concerns with the report and further supports our contention that SEA is necessary at this stage. The principal area of concern with regards to SEA is with respect to flood risk from surface water and how this is likely to impact on development within the preferred site boundary.
- 6.3 Figure 2.5 of the SEA screening report provides information taken from Environment Agency mapping data. This shows the extent of the risk of flooding from surface water within the QNDP area. It can be seen that the main area at most risk of surface water flooding covers a large area that runs along the northern and eastern edge of Quinton settlement, focused on the area to the north of Main Road, but also to the east of Goose Lane. The SEA screening report (at para 2.8.4) acknowledges that the risk of flooding is 'high' across this area and that the majority of the preferred site *'coincides with land at risk of surface water flooding, including a proportion of high surface water flood risk in the centre of the site'* (para 2.8.5).
- 6.4 However, a Level 2 Strategic Flood Risk Assessment (SFRA L2) in the District²³ has been produced in support of the SAP, which provides a detailed assessment of a number of potential reserve sites. The only site at Quinton that is assessed in the SFRA L2 is the preferred reserve site, Land East of Goose Lane. This is dated at the same time as the SEA screening report (April 2021) but it is unclear whether the SEA screening report has taken into this new evidence. The SFRA L2 Summary Table for the preferred site (under ref. QUIN.8) highlights that the risk from surface water flooding is 'significant' to the site. Importantly, for the 1,000-year event, there is a significant increase in extent with nearly the entire site covered (94%), whilst 39% of the site is at risk of a 1 in 100 year flood event, and 21% of the site is susceptible to a 1 in 30 year event. The SFRA L2 also finds that the flow path of the site is 'large' and that if development is placed in the flow path it could displace flood risk to other parts of the site or third party land.

²³ Stratford-on-Avon District Council Level 2 Strategic Flood Risk Assessment Final Report April 2021

- 6.5 It is also noted that land west of Goose Lane, including land under Redrow's control, is at 'lower risk' than to other land in the surrounding area.
- 6.6 In response, the QNDP relies on the implementation of Policy INF.1 (Flood Risk) to address any risk of flooding on the preferred site. However, this policy is largely generic in terms of content and broadly repeats national policy on managing flood risk. The additional benefit it provides, in terms of clarity regarding the requirements of any development brought forward on the preferred site, is questionable and therefore uncertain.
- 6.7 What is certain is that there are significant risks from surface water flooding within the east of the QNDP area and this could be exacerbated by allowing development on the preferred site based on the latest available evidence. Despite this evidence, the QPC consider that the QNDP is not expected to have any significant effects with regards to water in the QNDP area. RPS refutes this proposition. Given that significant environmental effects are likely to occur on the preferred site as result of the significant risks identified, this should trigger the need for Strategic Environmental Assessment in line with national policy and guidance.
- 6.8 On this basis, without the preparation of SEA to properly consider the issues identified, the QNDP fails criteria (f) of the basic conditions.

Summary

- 6.9 In order to meet the basic conditions, QPC (as qualifying body) must demonstrate that the process for preparing the QNDP has met the EU obligations, in particular with respect to Strategic Environmental Assessment (SEA) of the QNDP. Available evidence shows that there is a significant risk of surface water flooding on the preferred reserve site under Policy HO.2. Significant effects with respect to flooding are therefore likely within the QNDP area. Where significant effects are likely, the SEA regulations requires SEA to be undertaken. The QNDP does not provide an SEA. In this case, without the preparation of SEA to properly consider the issues identified, the QNDP fails criteria (f) of the basic conditions.
- 6.10 RPS recommend that in order that Policy HO.2 can pass the basic conditions test under criteria (f), the policy and the preferred site should be deleted. This will allow the Examiner to recommend the QNDP can move to referendum.

7 RESPONSE TO OTHER SUPPORTING DOCUMENTS

7.1 This section of the submission provides a response on the two other supporting documents issued alongside the Regulation 15 version of the QNDP. These are; SEA and HRA Screening Report, April 2021 prepared by Lepus Consulting; and Quinton Neighbourhood Development Plan 2011 – 2031 Consultation Statement, 17th December 2021.

Strategic Environmental Assessment (SEA) Screening Report

- 7.2 As highlighted previously, it is necessary to determine whether or not SEA of the policies and proposals of the QNDP is required, a process described as ‘screening’. This is to ensure that, in accordance with the Regulations, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.
- 7.3 The screening process applied to the QNDP has followed the guidance set out in ‘*A Practical Guide to the Strategic Environmental Assessment Directive September 2005*’ Issued by the Department of the Environment (now MLUHC). This is based on a flow diagram based on eight questions which, depending on the answers provided, will provide a route to whether SEA is required or not. This is summarised at Figure 2 of the guidance document, and is replicated at Figure 2.1 of the SEA Screening Report.
- 7.4 Table 2.1 of the SEA Screening Report provides the QPC responses to the eight questions. Based on their answers and the consultation responses from statutory consultees, the QPC has determined that SEA is not required.
- 7.5 Question 8 of the SEA application process asks ‘*Is it [the QNDP] likely to have a significant effect on the environment? (Art 3.5)*’. In respect to likely significant effects on soil, water and air, the SEA Screening Report (at para 2.8.8) determines that the QNDP is not expected to have any significant effects. However, as highlighted in the previous section, recent evidence on flood risk prepared by SADC for the SAP shows that there is significant risk from surface water flooding in the QNDP area were a 1 in 30 or 1 in 100 flood year event to occur. The evidence shows that the impact on the preferred reserve site would also be significant, covering up to 39% of the site. This proportion increases to 94% of the site area were a 1 in 1,000 year event to occur. It is not clear whether the SEA screening process applied to the QNDP has taken into account this new evidence.
- 7.6 RPS contends that the QNDP is likely to have significant effect on the environment should a flood event of the magnitudes described come to fruition, given the available evidence. Neither the SEA Screening Report nor the QNDP provide any clear evidence to demonstrate that a flood event of this nature is unlikely to occur, or that the risks from flooding will be adequately managed on the site, and therefore the significant effects identified cannot be ruled out were the reserve site to be built out for residential use.
- 7.7 On this basis alone, if applying the precautionary principle, RPS contends that SEA is required and should be carried out and consulted on as part of the preparation of the QNDP. RPS therefore

disagrees with the QPC and the QNDP should be screened into the SEA process. This further supports our contention that the QNDP fails criteria (f) of the basic conditions.

Quinton Neighbourhood Development Plan 2011 – 2031 Consultation Statement

Regulatory requirements relating to the Consultation Statement

7.8 The QPC has issued a consultation statement alongside the QNDP. Section 1 of the statement restates s15(2) of the Neighbourhood Planning Regulations 2012, Part 5 of which states that:

“15(2)...In this regulation “consultation statement” means a document which—

(a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;

(b) explains how they were consulted;

(c) summarises the main issues and concerns raised by the persons consulted; and

(d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.”

7.9 S15(2)(d) makes clear that the consultation statement must explain how the issues and concerns raised have been considered and, where relevant, addressed in the next version of the QNDP. RPS has concerns with adequacy of the consultation statement in terms of the QPC’s response to the issues raised at the draft QNDP (Regulation 14) stage.

QPC’s response to the issues raised

7.10 Section 7 of the consultation statement provides a response to the submissions made at the draft plan (Regulation 14) stage. The statement mentions the concerns raised by a number of parties, including RPS, regarding the justification for the selection of the reserve site. In their response, the QPC highlights the ongoing work being undertaken for the SAP, including the assessment of sites carried out by SADC of those site adjacent to the built up area boundary (BUAB) of Quinton. The QPC make clear here that the assessment of sites in the SAP has ‘...helped to shape the proposals in the QNDP, alongside the views of residents and other stakeholders...’. The Residents Survey is appended (at Appendix 6) to the consultation statement.

7.11 Whilst the statement refers to the issues raised with respect to the selection of the reserve site, the statement provides little explanation as to **how** the SAP evidence base and resident survey has shaped the preferred choice of a single site. The lack of clarity in the methodology applied by the QPC has already been highlighted in our response to the basic conditions test. The response provided by the QPC in the consultation statement merely reinforces the lack of clarity and general lack of robustness evident in the site selection process.

7.12 In addition, the consultation statement also makes reference to the submissions made by RPS (on behalf of Redrow) with respect to Land West of Goose Lane as a potential reserve site, and another land promoter with similar interests in the QNDP area. In response, the QPC states:

“These alternatives were considered by the steering group and the QPC before determining the final reserve site policy.”

7.13 And goes on to state:

“The agent (Savills) for the principal landowner around Lower and Upper Quinton (Magdalen College) supported the site proposed in the Plan.”

7.14 RPS submitted a 62-page representation to the draft QNDP (Regulation 14 version), identifying a number of significant issues and concerns with QPC’s approach to preparing the QNDP. To ensure the Examiner is aware of the concerns, an extract from the Regulation 14 representations is provided below:

In relation to the preference for a single reserve site (‘East of Goose Lane’) identified under Policy HO.2, RPS concludes that:

- *QPC has given undue weight to non-planning considerations in its justification for the site. This relates to factors such as landownership and the operational farming practices of one landowner in particular (Magdalen College). Notably, the QNDP has only considered sites in the College’s ownership as part of its deliberations on potential sites, without any reference to alternative sites in other ownerships, including the land under Redrow Home’s control (Land West of Goose Lane). By applying weight in this manner therefore brings into question the fairness and transparency of the overall approach taken by the Parish, which has effectively excluded all other options on the basis of landownership.*
- *Where planning considerations have been identified to justify the preferred site (such as proximity to services and landscape considerations) these could be equally applicable to other reasonable alternatives at Lower Quinton, including Land West of Goose Lane.*
- *In seeking to allocate the East of Goose Lane site, the Parish has ignored part of its own evidence base (albeit utilising evidence from SADC) specifically relating to flood risk, which shows that the site is less sequentially-preferable than other sites at Lower Quinton, including Land West of Goose Lane. However, the QNDP presents no evidence to demonstrate that land East of Goose Lane should be preferred despite it being at greater risk of flooding.*
- *On this basis, RPS considers that the justification provided by QPC does not lead to the conclusion that only one site is appropriate for allocation as a reserve site in the QNDP. This is confirmed by the latest Site Allocation Plan (SAP), which identifies four proposed reserve sites at Lower Quinton. In fact, when a proper consideration is given to the available evidence, there are clear grounds to argue for the removal of the East of Goose Lane site from the QNDP and for the identification of alternative reserve sites, including the West of Goose Lane site under the control of Redrow.*

In relation to the approach to site assessment and selection, RPS concludes that:

- *There is clear inconsistency between the QNDP and the SAP plan-making processes with regards to the assessment and selection of reserve sites at Lower Quinton, resulting in a significant disparity between the two plans on the preferences for sites identified. This is based in no small part on the lack of any reference made in the QNDP to the latest SAP, which is currently at the preferred options stage and was consulted on during October-November 2020. Under these circumstances, RPS contends that the uncertainty caused by two plans progressing along similar timelines, but which differ so markedly on site allocations, undermines the achievement of sustainable development and thus would, as drafted, not meet the basic conditions (condition e).*
- *There is a clear inconsistency with regard to the evidential basis for site selection. This is because QPC has used information (based on the SHLAA 2019) that is not up to date. More recent updates to the SHLAA, published in April 2020, have re-appraised two land parcels (both under the control of Redrow), defined here as Sites 18 and 19 which, as ‘amber’ sites. Thus, when applying QPC’s own methodology, a score of ‘amber’ would automatically trigger the assessment of Sites 18 and 19 as part of the QNDP process alongside all the other amber sites. However, the QNDP has ignored the latest SHLAA 2020 update and thus excludes both Site 18 and Site 19 from any consideration at this stage. For this reason the QNDP, as drafted, is contrary to national policy (paragraph 31) on the need for plans to be underpinned by relevant and up to date evidence and so, under these circumstances, it is argued that the QNDP would not, as drafted, meet the basic conditions test condition (a) (have regard to national policy).*
- *The QNDP fails to address the requirements for Strategic Environmental Assessment (SEA) in particular the consideration of the plan proposals in light of reasonable alternatives. This is because, at this point, no SEA has been issued as part of this consultation stage on the QNDP. Furthermore, no screening assessment has been published either in order to determine that SEA is not required in this case. Unless an assessment of significant effects of the proposal to allocate sites is prepared, and sufficient opportunity is made available for all stakeholders to comment on it, the QNDP cannot proceed in its current form. Under these circumstances, the QNDP does not accord with the SEA Regulations and so, as a consequence, would not meet the basic conditions test (f) (in breach of EU obligations as enshrined in UK law).*

7.15 The QPC has provided a two-sentence response to the issues RPS had raised to the draft QNDP. The response only makes reference to the alternative sites, but does not give any consideration to the wider issues raised regarding the site selection process, including the use (or lack of) the available evidence prepared for the SAP. The only change made in the Pre-Submission QNDP, based on the submissions made by RPS, is to update the references to the SHLAA 2020 and to provide an updated map showing the alternative sites available at Quinton. This is more editorial in nature, rather than addressing the actual concerns identified in the representations.

- 7.16 RPS concludes that the response provided by the QPC does not adequately explain **how** the issues and concerns identified by RPS have been considered, a clear contravention of the regulations regarding what a consultation statement should contain. Most importantly, the statement does not point to any credible evidence to justify the preference for a single reserve site in favour of the reasonable alternative sites available in the QNDP area, which is one of the principle concerns raised by RPS (and others) at the Regulation 14 stage.

Summary

- 7.17 In order to meet the basic conditions set out in Paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) the QNDP must ensure that the prescribed conditions are met in relation to the plan and prescribed matters complied with in connection with the proposal for the plan (criteria g). Section 38A(12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act 2011 sets out the definition of “prescribed”. This means conditions prescribed by regulations made by the Secretary of State. These regulations include the Neighbourhood Planning regulations governing the content of consultation statements (s15(2) therein), which requires the qualifying body (QPC) to describe how the issues and concerns identified have been considered and, where relevant, addressed in the proposed neighbourhood development plan.
- 7.18 The consultation statement issued alongside the QNDP provides very little detailed consideration of the issues and concerns raised by RPS, in particular with respect to the assessment and selection process used to select the preferred reserve site. On this basis, given the lack of sufficient detail, RPS contends that the QPC’s response to those issues and concerns falls significantly short of the regulations and, as a result, fails criteria (g) of the basic conditions.

8 CONCLUSIONS

- 8.1 RPS has prepared representations on behalf of Redrow, who has an interest in Land West of Goose Lane, Lower Quinton. They are submitted in response to the Pre-submission (Regulation 15) version of the Quinton Neighbourhood Development Plan ('QNDP').
- 8.2 Having reviewed the submitted documentation, RPS has a number of issues and concerns with the QNDP with regards to the basic conditions. These are as follows:

Criteria a) on having regard to national policies and advice

- the approach taken by QPC in the assessment and selection of the preferred site (Land East of Goose Lane), and exclusion of all other reasonable, is inadequate and falls significantly short of the evidential basis necessary to justify the preferred approach. Under these circumstances, the QNDP fails criteria (a) of the basis conditions.
- On this basis, RPS recommends that Policy HO2 is deleted and that the process by which reserve sites are identified in the NDP areas is left to the SAP process to complete.

Criteria D) on contributing to the achievement of sustainable development

- QPC has chosen not to undertake a sustainability appraisal for the QNDP (as is their right not to). However, no other standalone work has been undertaken to demonstrate that the QNDP contributes to achieving sustainable development. This is of particular relevance to the process followed which has led to the preference for Land East of Goose Lane as a reserve site.
- Specifically, the QNDP favours land that is located in a less sequentially-favourable location (in terms of flood risk) to other potential site options available within the QNDP area. This is contrary to the national policy imperative to guide development towards sustainable solutions²⁴. No evidence is provided in the NDP to justify this decision.
- Without any rigorous site assessment or appraisal work focused on sustainability issues to justify its approach, it cannot be said that the QNDP contributes towards achieving sustainable development.
- Consequently, the QNDP fails criteria d) of the basic conditions.

Criteria e) on general conformity with the strategic policies

- The QNDP is supported by a number of generic topic-based policies, including criteria relevant to determining planning applications for housing development. RPS has reviewed these policies and has identified issues and concerns regarding their general conformity

²⁴ NPPF 2021, para 9

with the strategic policies of the development plan, which show that elements of these policies do not meet the basic conditions test (criteria e).

- The policy criteria under HO.1 and HO.4 will need to be modified in that it can meet the basic conditions before it can be recommended to pass to referendum.

Criteria f) on compatibility with the EU obligations

- In order to meet the basic conditions, QPC (as qualifying body) must demonstrate that the process for preparing the QNDP has met the EU obligations, in particular with respect to Strategic Environmental Assessment ('SEA') of the QNDP.
- Available evidence shows that there is a significant risk of surface water flooding on the preferred reserve site identified under Policy HO.2. Significant effects with respect to flooding are therefore likely within the QNDP area. Where significant effects are likely, the SEA regulations requires SEA to be undertaken. The QNDP does not provide an SEA. In this case, without the preparation of SEA to properly consider the issues identified, the QNDP fails criteria (f) of the basic conditions.
- RPS recommend that in order that Policy HO2 can pass the basic conditions test under criteria (f), the policy and the preferred site should be deleted. This will allow the Examiner to recommend the QNDP can move to referendum.

Criteria g) on meeting prescribed conditions

- In order to meet the basic conditions set out in Paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) the QNDP must ensure that the prescribed conditions are met in relation to the plan and prescribed matters complied with in connection with the proposal for the plan (criteria g). Section 38A(12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act 2011 sets out the definition of "prescribed". This means conditions prescribed by regulations made by the Secretary of State. These regulations include the Neighbourhood Planning regulations governing the content of consultation statements (s15(2) therein), which requires the qualifying body (QPC) to describe how the issues and concerns identified have been considered and, where relevant, addressed in the proposed neighbourhood development plan.
- The consultation statement issued alongside the QNDP provides very little detailed consideration of the issues and concerns raised by RPS, in particular with respect to the assessment and selection process used to select the preferred reserve site.
- On this basis, given the lack of sufficient detail, RPS contends that the QPC's response to those issues and concerns falls significantly short of the regulations and, as a result, fails criteria (g) of the basic conditions.