

## Quinton Neighbourhood Development Plan

### Regulation 16 Submission Draft Consultation

Rosconn Strategic Land (RSL) and their Client Landowner, Mr A Spencer, write in response to the above in respect of its land interests within Lower Quinton. We welcome the opportunity to comment on the Draft Neighbourhood Plan (DNP) and having reviewed the document, provide comments below.

With regards to the requirements of Neighbourhood Plans, Paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990, as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004, sets out that only a Neighbourhood Plan that meets each of the basic conditions can be put forward to referendum and be made. Having considered the document and associated evidence base, we wish to raise objection to the specific issue of Local Green Spaces within the DNP on the basis that it is considered this fails to meet one of the basic conditions, in that it fails to have regard to national policies and advice contained in guidance issued by the Secretary of State.

#### Planning Context

Paragraph 101 of the NPPF (2021) states:

**“The designation of land as Local Green Spaces (LGS) through local or neighbourhood plans allows communities to identify and protect green areas of particular importance to them”.**  
(Our emphasis)

Paragraph 102 continues:

**“The Local Green Space designation should only be used where the green space is:**

- a) In reasonably close proximity to the community it serves;
- b) **Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and**
- c) Local in character and is not an extensive tract of land.

(Our emphasis)

#### Policy NE.1 – Local Green Spaces

We object to proposed LGS No. 1 – Swithin’s Wood. This comprises 3 separate parcels of public open space (POS), referenced as LGS 1a, 1b and 1c, located within a recently completed housing development on Lilac Avenue, Lower Quinton. We specifically objects to LGS 1a.

RSL, acting on behalf of our landowner Mr A Spencer, secured Outline Planning Permission for the development at Lilac Avenue after which it was sold to Cameron Homes who built out the scheme. As part of the development, a retained agricultural access was provided to our Mr Spncer’s wider agricultural landholding to the north. RSL are also promoting the land to the north on behalf of Mr Spencer as a future potential development through the emerging Stratford-on-Avon Site Allocations Plan and the South Warwickshire Local Plan, which the Parish and District Councils are aware of.

Appendix 3 to the Pre-Submission Regulation 14 version of the DNP provided a Local Green Spaces Site Assessment prepared by APS. The Assessment firstly provides a description of the sites, then outlines their Ecological Significance, Special Qualities and Local Significance, before concluding by summarising why they are suitable for designation as LGS.

In respect of LGS 1a, it is notable that at the time of the assessment, it records that the area was not currently in use as POS having not yet been completed and was waiting to be landscaped. In terms of Ecological Significance, the APS assessment does not identify any features of significance within LGS 1a, with all the features of note being located within LGS 1b and 1c.

In terms of Special Qualities and Local Significance, the following statements are made:

- *They are open green spaces which are easily accessible and highly appreciated by the community, local residents, visitors and dog walkers for its recreational and social value* – it is difficult to understand how an area of public open space that had not yet been completed, could have become so important to the local community in recreational or social terms when at the time of the assessment, the area was not landscaped and was effectively unusable;
- *The enclosed children's play area allows children to play and socialise in relative safety* – the play area is located within LGS 1b so is not relevant to LGS 1a;
- *The special qualities of the site include its strong contribution to local character and green infrastructure* – again, it is difficult to understand how such an assessment could be attributed to LGS 1a when it had not been completed at the time of the assessment.
- *It is also distinctive due to its natural beauty and open aspect as well as its sense of connection to the open countryside* – again, it cannot be the case that LGS 1a could be described as one of 'natural beauty' at the time of the assessment.
- *It is also part of the first building site seen on entering Lower Quinton from the west and as a result has a significant visual impact as one of the gateways to the village* – whilst one might be able to argue that LGS 1b and 1c make a contribution in this regard, LGS 1a sits to the rear of the estate and cannot be seen on entering the village from the west.

Notwithstanding the proposed designation of the wider LGS 1a, it is notable that its extent includes the metalled road leading to the retained agricultural access gate to the northern boundary and an LPG compound that sits within the area of POS. This can be seen below by comparing the approved scheme as built (taken from Google Earth) with the area for LGS 1a as proposed in the DNP. This may in part be due to the inaccurate base plan used in the LGS Assessment.



In terms of the LGS Assessment, it is notable that a similar Assessment was prepared by APS to support another emerging NDP within Stratford District. This was prepared around the same time (March 2019) and follows a similar format and approach to that of the Quinton NDP. The Long Itchington NDP was recently submitted to an independent Examiner, who in November 2021 responded with a series

of queries regarding the Plan, and in particular, criticises the approach taken in respect of LGS . He commented at page 15 of his response<sup>1</sup> as follows:

"I note that 16 areas are proposed for designation as Local Green Space. I note that not all communities are identified for Local Green Spaces. I also note that the areas have been independently appraised; but the critical assessment is against the criteria listed in the NPPF (now paragraph 102), as further detailed in the Planning Practice Guidance. My initial view is that the independent appraisal has somewhat lost sight of the NPPF requirement that the designation should only be used where an area is "demonstrably special to a local community *and* holds a *particular* local significance" [my emphases]. It is therefore not sufficient that an area is only demonstrably special or that it is demonstrably special to the local community but of no particular significance. Thus, it is not the expectation that all green space will be designated simply because it contributes to a sense of well-being or the natural environment; that may be said to be a general attribute of every green space. In response to a representation the Qualifying Body has commented: "The objective here is to protect the open nature of development and prevent the dense layout seen in phase 1 of the Stockton Road development"; but many of the spaces identified are too small to be capable of development.

Important community green infrastructure may be identified for planning policy protection – including spaces that are "contributing to the rural nature of the neighbourhood area which residents value so highly" - but Local Green Space designation is a special protection for particular spaces, equivalent to the protection afforded to the Green Belt. On that latter point, incidentally, Green Belt protection does not extend to protecting an area for "its significance and value to the local community", as suggested in the last paragraph of the Policy. I request that the Qualifying Body reviews the Local Green Space proposals in the light of these observations; I appreciate that this may lead to two Policies rather than one. I will then look at the spaces during my visit with the further observations to hand." (Our Emphasis)

On the basis of our review of the LGS Assessment for the DNP and its accordance with the NPPF, we have concluded that the same outcome has unfortunately resulted, in that insufficient justification against national policy for the designation of LGS has been evidenced. In the case of LGS 1a, we are of the strong opinion that the LGS Site Assessment has failed to properly assess the site and its importance in the context of NPPF requirements. As such, we believe that the DNP fails to justify that LGS 1a is demonstrably special to a local community and holds a particular local significance warranting special protection equivalent to that afforded to the Green Belt.

### Conclusions

In light of the above, RSL consider that the DNP fails to meet one of the basic conditions, in that it fails to have regard to national policies and advice contained in guidance issued by the Secretary of State. We therefore respectfully request that proposed LGS 1a is deleted from the DNP prior to submission.

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<sup>1</sup> <https://www.stratford.gov.uk/planning-building/long-itchington-neighbourhood-plan.cfm>