

Subject: Fwd: Shipston NDP Rosconn site

From: Stephen Miles <stephen.miles@tadpoleplanning.com>

Date: 20/09/2017 10:33

To: "pak39@btinternet.com" <pak39@btinternet.com>

Hello Paul,

copy of exchange with Ed for your information.

Many thanks,

Stephen.

----- Original Message -----

From: Stephen Miles <stephen.miles@tadpoleplanning.com>

To: ed@2jays.co.uk

Date: 20 September 2017 at 11:30

Subject: Shipston NDP Rosconn site

Hello Ed,

picking up our earlier conversation see below the response from Rosemary Williams. I spoke to her yesterday and asked why the note had not been copied to Rosconn as they had attended the recent 31 August meeting I called to discuss a way forward. An oversight, she was fine if I forwarded the note, which I did.

More importantly I have considered our best way forward. It seems to me that the District Council officers regard draft policy HSG8 as a site allocation and are worried inclusion as such will bring trouble. It would. For that very reason I asked Rosemary when we met on 13 July for a second opinion and a view as how best to handle this.

The problem as I see it is that HSG8 has been wrongly read as a site allocation. It is not. But having written the note I think we will have an uphill and time consuming struggle to get an explanation of why they regard HSG8 that way, let alone a shift of view I do not believe the submission plan will be accepted if it contains HSG8.

An alternative approach, actually how I had this back in early July, is to include the Rosconn site within the scope of local project 2.5, the study and development brief for the Tileman's Lane sub-area. I have modified and reinforced the wording, as attached text for your consideration. If we run with that, and delete HSG8 at least we get the Rosconn site on the radar. We still have EC1 introducing that project.

I think this is expedient but not ideal. We can, once the submission plan has passed District Council scrutiny and gets to the examination, and if we want to, make written representations asking the examiner to consider reinstating HSG8.

If you go along with deleting HSG8 we will need to revise the policies map to exclude the

Rosconn site.

Please let me know what you think, later today if possible.

I have copied this to Paul for information.

Many thanks,

Stephen.

----- Original Message -----

From: Rosemary Williams <Rosemary.Williams@stratford-dc.gov.uk>

To: 'Stephen Miles' <stephen.miles@tadpoleplanning.com>

Date: 13 September 2017 at 17:14

Subject: FW: Shipston NDP Rosconn site

Hi Stephen,

Further to our meeting on 31 August I thought I would take the opportunity to reiterate the Council's position in relation to the inclusion of the Rosconn site in the NDP I have now had the opportunity to discuss this with my line managers . This has not essentially changed from my last email to you on 27 July.

As was discussed I appreciate at earlier stages of consultation the said site was consulted upon (December 2015) but that it was not proposed as an allocation in the latest consultation at Regulation 14 stage due to constraining issues raised regarding access.

I note that a solution has now been found to the access issues and you are now proposing to include a new policy in the Plan which proposes a development brief being prepared around the Tilemans lane employment areas to assist in a review/update of the neighbourhood plan in 2019/20. It is also understood that a boundary will be drawn on the Policies map which will demark the area covered by the development brief, with hatching to make clear the inclusion of said Rosconn site. Whilst I appreciate a development brief is already referred to in the existing Plan under policy EC1 I believe the background to this has now shifted. I therefore consider that this method of introducing the Rosconn site could lead to community confusion about what is proposed ie whether it is a site allocation or not and this could at the least face criticism of not representing an open and transparent process.

I said at the meeting that as this was the first sighting I had had of the new policy I would take some time to fully digest it and discuss the new policy/proposal with my colleagues and feedback to you asap. I would like to stress that this does not imply that I am agreement with including the policy in the NDP or demarking it on the Policies map, which I believe you are now proposing to do due to time pressures of a September meeting of the Town Council and grant aiding ceasing at the end of October .

I stated at the meeting that introduction of the site at this stage was of concern to me because the consultation needed to follow a chronological order and to now refer to this site would require a repeat of the consultation at the Regulation 14 or risk derailment of the progress of the NDP to Examination and/or potential problems later at Referendum. A further concern was that due to the site not being included at Regulation 14 stage when the SEA screening process was carried out this site was not included in this process, which also constitutes a failure in following the correct procedure.

Including this site now raises the issue of assessing 'reasonable alternatives'. In other words, why has this site now been included and why has it been included instead of other sites on the periphery of the town? I consider there are two potential courses of action:

- A. Defend the current approach by arguing that no reasonable alternatives were considered as there are no reasonable alternatives; and
- B. Assess additional reasonable alternatives.

I would strongly recommend against defending the current approach of not considering any reasonable alternatives. Recent case law, such as the Henfield case, have pointed towards an increasingly robust approach being required for NDPs, including the consideration of a broad range of reasonable alternatives and undertaking supporting technical studies prior to submission, rather than relying on qualitative judgement.

Regulation 13 of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations) state that you must consult on the Plan alongside the SEA Report in all cases where an SEA Report has been prepared.

In summary therefore I have now had the opportunity to discuss this issue with my colleagues and they are fully supportive of the above view ie that to refer to this site at

this stage and in a new policy (HSG8) requires the Regulation 14 consultation and the SEA screening process to be repeated (the SEA is carried out latter by our consultants and funded by SDC). The Regulation 14 consultation could potentially be a targeted consultation on this new policy referring to the Rosconn site, it does not necessarily need to cover old ground if there are no substantive changes in this respect . At this stage I therefore make no comment on the wording of the policy in terms of its objective and explanation.

I would therefore be grateful if you could confirm what your intentions are based on the above advice.

Kind regards,

Rosemary

Rosemary Williams *MRTPI*

Policy Planner, Policy Team

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— Attachments: —

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