

## ASA Ruling on 'Middle Quinton' Advertisement

**St Modwen Properties plc**  
Sir Stanley Clarke House  
7 Ridgeway  
Quinton Business Park  
Quinton  
Birmingham  
B32 1AF

**Case number:** A08-72146/SL  
**Media:** Regional press  
**Sector:** Property  
**Agency:**

**The Bird Group of Companies Ltd**  
The Hunting Lodge  
Billesley Road  
Upper Billesley  
Stratford-on-Avon  
Warwickshire  
CV37 9RA

**Number of complaints:** 1

### Ad

A regional press ad for St Modwen Properties and The Bird Group of Companies was headed "MIDDLE QUINTON ECO-TOWN." A smaller heading underneath stated "A Zero-Carbon Sustainable Community." Body copy underneath that stated "Last week St Modwen and the Bird Group submitted a Vision document to Government for consideration. The Vision provides an updated and detailed masterplan for Middle Quinton Eco-town - a brownfield 258 hectare (637 acre) site. Outlined below are the principal aspects of the proposals which include the provision of 6,000 new homes, including 2,000 affordable homes, and self build opportunities in a new vibrant Cotswold style town benefiting from leading-edge environmental principles and technology. A full copy of the Vision document can be viewed at ... (a website address followed)."

A box was headed "EMPLOYMENT." Text inside stated "Every household will have easy access to at least one job. There will be site-wide employment opportunities at Middle Quinton and our research predicts the town will provide as many as 4,724 jobs: 1,875 - office and light industrial sectors; 1,537 - retail, education and services and 1,312 - home working jobs. Those not wishing to work on site will have easy access to employment opportunities in Stratford-upon-Avon, Evesham and surrounding areas through significant improvements in the public transport infrastructure."

A plan showing the key features of the development and the proposed positioning of a rail/bus hub, schools and park and woodland appeared in the centre of the page. A box at the bottom of the page was headed "7 FACTS ABOUT MIDDLE QUINTON:" Bullet points underneath stated: "The site is under-used brownfield land, not open countryside; Middle Quinton could provide 2,000 affordable homes for local people and key workers; Middle Quinton would create

over 4,700 new jobs; 6,000 homes would contribute towards Stratford's housing provision; Middle Quinton's £100 million investment in infrastructure will deliver Stratford's Western bypass; Homes will be targeted to have an average heating bill of £100 a year and Waste from Middle Quinton will all be recycled or turned into energy."

### **Issue**

Peter Luff, MP challenged whether the following claims were misleading and could be substantiated:

1. "... a brownfield 258 hectare (637 acre) site" and "The site is under-used brownfield land, not open countryside;"
2. "Middle Quinton would create over 4,700 new jobs;"
3. "6,000 homes would contribute towards Stratford's housing provision" and
4. "Middle Quinton's £100 million investment in infrastructure will deliver Stratford's Western bypass."

### **Response**

St Modwen Properties and The Bird Group of Companies (St Modwen and The Bird Group) said that, as part of the Government's assessment of Eco-town proposals, promoters were required to produce and publish a "Vision" document which contained the detailed aspirations, ambitions and commitments of the developers of each scheme. They supplied a copy of their "Vision" document, which they said was the subject of the investigated ad. They said that, because the document was produced for formal consideration by the Government, it needed to be of a high professional standard. They said the ad was designed to communicate the key points of the case for the development in non-technical language and the idea of what Middle Quinton could be if it were to go ahead and that the ad should be seen in that context. They said the points made in the ad were based on and supported by high quality reports commissioned from reputable expert consultants and communicated St Modwen and The Bird Group's commitments truthfully but that they did not constitute a formal planning application at this stage. They said their response was designed to address each of the detailed points Peter Luff, MP had made.

St Modwen and The Bird Group said they understood that the language used was standard in documents outlining development proposals. They believed that, in the context of a proposal, it would be understood that the claims did not represent factual certainties and that they might, at the very least, be subject to change as a result of the Government's response. Given that context, they believed the claims were unlikely to mislead. They said they also believed it was important to note that the ASA had received the one complaint only, from someone whom they believed was a member of a group that was known to oppose the proposed Middle Quinton Eco-town development.

1. St Modwen and The Bird Group said the site as a whole would be considered as previously developed, or brownfield, in the context of national planning policy advice issued by central Government. They said that advice defined previously developed land as land "... which is or

was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure." They said the site was in active employment and industrial use and comprised 140,000 square metres of floorspace; more than 180,000 square metres of hardstanding (hard surface such as concrete); a connection to the national rail network; more than 40 miles of rail track and sidings and an established recycling centre. They said the site had access points to the surrounding highway network and a system of internal roads provided access to all areas of the site. They said it was classified as "Land Predominantly in Urban Use" by the Agricultural Development Advisory Service (ADAS), the Ministry of Agriculture, Fisheries and Food with the assistance of the Soil Survey of England and Wales (1972). St Modwen and The Bird Group said they had commissioned a report from a chartered surveyor to assess the quality and designation of the part of the site that fell into the Worcestershire section. They said the report concluded that the land was "predominantly a brownfield site and any agricultural status is such that the productivity of the land is not sustainable in the current agricultural economic climate." They said the report also concluded that ADAS had categorised the land as "Land Predominantly in Urban use" and as land not being used or suitable for agricultural use in the 1970s. They said that, in determining whether or not a particular site could be regarded as having brownfield status, definitions in relevant government guidance would need to be applied to the facts of the site and its character and appearance. They did not dispute that there were green areas on the site but believed that previous classifications of the site, such as in the reports mentioned above, provided sufficient substantiation for the ad to refer to the site as brownfield.

**2.** St Modwen and The Bird Group said it was important to note that the ad referred to 4,700 new jobs, not 4,700 including those jobs already on site. They said that, should the Eco Town be built, it would replace the existing jobs on site. They said that, of the 700 jobs currently on site, at least 300, and probably more, would be retained in recycling activities and that many others would transfer to other locations in the Eco Town. They said it was accepted that there would be some job losses but that they were accounted for and did not detract from the overall figure of 4,700 new jobs. They said the number of jobs claimed had been calculated using an industry standard calculation based on the amount of floorspace that was to be provided. They said they were widely recognised figures for employment densities published by English Partnerships. They said Middle Quinton's figures for home working (home working accounted for 1,312 jobs) were calculated from the District average of 13% (which they sourced from the 2001 Census). They said there were several locations in the District where home working already accounted for 20-23% of jobs. They said they believed it was reasonable to aspire to achieve a greater percentage of home working at Middle Quinton by providing the infrastructure to facilitate home working (high speed communication links such as broadband; flexible floorspace in each new home and community office facilities). They said they also believed it was reasonable to assume that people who chose to live in an Eco Town would seek to take advantage of home working opportunities. St Modwen and The Bird Group supplied a detailed employment strategy document compiled by a third party.

St Modwen and The Bird Group said they had been required, as part of the bid process, to submit a detailed employment strategy. They said the "Vision" document phrased a similar claim as "our research predicts the town will provide as many as 4,724 jobs ..." They said the weblink in

the ad directed readers to the "Vision" document, where the basis of the figure was discussed in more detail. They believed the claim in the ad would be understood in that context.

**3.** St Modwen and The Bird Group said there had been clear indication from central Government, in a statement by the then Housing Minister Caroline Flint MP, that any new homes provided as part of an Eco Town would contribute towards the strategic housing requirement of the District or Borough in which they were located. They said the ad did not claim that Stratford-on-Avon District's strategic housing requirement would reduce if Middle Quinton went ahead. They said it was possible that the District's strategic housing requirement would increase regardless of whether or not Middle Quinton was selected as the location for the Eco Town but that, if strategic housing requirement increased and Middle Quinton was selected, it would provide an additional source of deliverable housing land to accommodate a proportion of the housing requirement in the District. St Modwen and The Bird Group said that, because the Middle Quinton site extended into Wychavon District (in Worcestershire), it was reasonable to assume that a proportion of the new homes provided would contribute to Wychavon District's strategic housing requirement. They said the proportion was yet to be set, however, and was unlikely to be set until the Government announced its preferred Eco Town locations. They said that a report by independent consultants working to a brief set by Government Office for the West Midlands suggested that, of the 6,000 new homes to be provided at Middle Quinton, 4,500 would contribute towards Stratford District's target and 1,500 towards Wychavon District's targets.

St Modwen and The Bird Group, in addition, said that the ad did not state that all 6,000 homes would contribute to Stratford's housing provision. They said the claim should be read as saying that "(the package of) 6,000 homes would contribute ..." and believed the average reader would share that interpretation. They said the reference to Stratford was not a reference to Stratford-on-Avon District Council (as distinct from Wychavon District Council) but a more informal, general reference to the wider Stratford area. They said it was wrong to interpret the claim as a specific reference to district council boundaries and that the key aspect of the claim was that the housing at Middle Quinton would contribute to local housing provision. They said the "Vision" document, which the weblink in the ad directed readers to, made the point in more detail, stating "Middle Quinton has the potential to deliver significant benefits to Stratford-on-Avon and Wychavon Districts. These include: the delivery of 6,000 new homes, including the provision of affordable housing to meet local needs which will help contribute towards the District's Strategic Housing requirements ..."

**4.** St Modwen and The Bird Group said their ambition to deliver a Western bypass for Stratford was included in Stratford District Council's Local Plan. They said Middle Quinton had committed £100M to investment in infrastructure, which included provision for the delivery of the Western bypass. They said that, in that respect, funding for the works was guaranteed and the road would be delivered. They said it was ultimately for the District and County Councils to determine whether that was the most appropriate transport planning solution for Stratford. They said it was not in doubt, however, that Middle Quinton, through its infrastructure investment programme, was able to deliver the bypass.

They believed it was clear that the average reader would not be misled by the need for the Western bypass to be signed off by the relevant local authorities. They believed it would be very surprising if, should the Middle Quinton development go ahead, the Western bypass was not approved by the local authority, given its importance to the local community. They provided extracts from the Warwickshire County Council Local Transport Plan 2006-2011 and the Stratford-on-Avon District Local Development Framework Urban Design Framework for Stratford-upon-Avon and said that, in both of those, the relief road was a key part of the plans.

## **Assessment**

### **1. Upheld**

The ASA noted the points St Modwen and The Bird Group had made. We spoke to the Planning Policy team at Stratford-on-Avon District Council. They said brownfield land was usually defined as land that had previously been subject to development. They said there was scope for brownfield land to contain some green areas (a pre-existing house and its surrounding gardens were usually classed as brownfield, for instance) but that there was no agreed proportion of green space that a site could contain and yet still be classified as brownfield. They said the Middle Quinton site included substantial areas of previously developed land (railway tracks and sidings and a former Ministry of Defence site) but that the site also included woodland, water and agricultural land, and so a number of green areas could be seen. They said that the extent to which a particular site was brownfield would be considered as part of a formal planning application and, where there was disagreement, the matter would need to be settled legally. They said a planning authority would need to take into account the amount of green space a site contained and that national planning policy allowed brownfield land to include curtilage (surrounding grounds).

We noted that the ad referred to St Modwen and The Bird Group's proposal for Middle Quinton being submitted to the Government "for consideration." We considered that suggested a final decision on the proposal as a whole was yet to be made. We noted that previous reports conducted on the site had described it as "land predominantly in urban use" and "brownfield." We considered that the organisations that had compiled the reports, which included the Agricultural Development and Advisory Service (ADAS, a predecessor body to the current Department for Environment Food and Rural Affairs), Stratford-on-Avon District Council and the Department for Communities and Local Government, would be considered knowledgeable or expert and that it was legitimate for anyone to express a view on whether a site should be classified as brownfield. Nevertheless, we also considered that, in the context in which they appeared - a regional press ad aimed at general readers - the phrases "... a brownfield 258 hectare ... site" and "The site is under-used brownfield land, not open countryside" suggested that a firm decision on the nature of the land on the site had been made, and that the decision was that the whole site was brownfield. Because that claim could not be substantiated at this stage, and because some of the land in the proposal included woodland, water and agricultural land that might not be considered as brownfield in a formal planning application decision, we concluded that the ad was likely to mislead on this point.

### **2. Upheld**

We noted the points St Modwen and The Bird Group had made. We noted that the employment strategy document St Modwen and The Bird Group had supplied had been prepared by a firm of

external consultants. We noted that their assessment of Middle Quinton's employment strategy was detailed and had taken into account the kind of person they considered was likely to live in Middle Quinton; the proportion who were likely to be in the working population; the relationship and interaction with the economy of the local area they considered the Eco Town was likely to have and employment trends. We considered there would be a natural expectation that jobs that depended on the site's current function would not necessarily continue to exist if the development went ahead. We considered, however, that the data relating to the number of new jobs relied on a number of assumptions. For instance, we noted that 1,312 jobs were predicted to be home working jobs but that that proportion of the total number of jobs was significantly greater than the average proportion of home workers that were known to make up the workforce in the area currently. We also noted the report anticipated that Middle Quinton would be well placed to benefit from growth in sectors such as business services, wholesale and retail sectors that was forecast to take place in the area. We noted the reasons given by St Modwen and The Bird Group to back up the figures. We noted that the claims in the "Vision" document were more cautious but considered that the claim in the context in which it was made in the ad - that Middle Quinton "would create over 4,700 new jobs" - was presented as a factually absolute claim that suggested that, should the development go ahead, the number of new jobs claimed would definitely exist. Because the evidence did not show that was the case, we considered the ad was likely to mislead on this point.

### **3. Upheld**

We noted the points St Modwen and The Bird Group had made. We noted St Modwen and The Bird Group's point that, because the site extended into Wychavon District, some of the new homes were likely to contribute to that area's housing provision but that the proportion was yet to be set. We spoke to the Planning Policy team at Stratford-on-Avon District Council. They agreed that no-one could be sure at this stage how exactly the new homes would be split between the housing provision for the two areas but considered the split of 4,500 for Stratford and 1,500 for Wychavon, in neighbouring Worcestershire, cited by the consultants' report was a credible estimate. They said the regional strategy for housing did not give a conclusive answer as to whether the new homes in the Stratford district would count towards Stratford's target for new homes. They believed, however, that, if the Middle Quinton development went ahead, Stratford's target for new homes was likely to be increased to take account of it.

We noted St Modwen and The Bird Group's point that the claim should be read as referring to providing housing provision in the general area, not in relation to district council boundaries. We noted that the claim in the "Vision" document - "Middle Quinton has the potential to deliver significant benefits to Stratford-on-Avon and Wychavon Districts. These include: the delivery of 6,000 new homes ..." - was a more general claim but considered that the claim in the context in which it was made in the ad - "6,000 homes would contribute towards Stratford's housing provision" - was presented as a factually absolute claim that suggested that, should the development go ahead, the 6,000 homes proposed for the Middle Quinton site would count towards the housing provision for Stratford-on-Avon itself. Because the evidence did not show that was the case, we considered the ad was likely to mislead on this point.

#### **4. Upheld**

We noted the points St Modwen and The Bird Group had made. We considered the references they had provided suggested that the provision of a relief road or bypass was included in future plans for the area at District and County levels. We noted, however, that a firm and final decision by the District and County Councils on whether the road was the most appropriate transport planning solution for Stratford was still to be made. Because we considered that the claim in the context in which it was made in the ad - "Middle Quinton's £100 million investment in infrastructure will deliver Stratford's Western bypass" - was presented as a factually absolute claim that suggested that, should the development go ahead, it would definitely deliver Stratford's Western bypass, but the evidence did not conclusively prove that, we concluded that the ad was likely to mislead on this point.

On points 1., 2., 3. and 4. the ad breached CAP Code clauses 3.1 (Substantiation) and 7.1 (Truthfulness).

#### **Action**

The ad must not appear again in its current form. The claims must not be repeated unless St Modwen and The Bird Group have evidence that supports them.