


Development Policy Manager
Development Services
Warwick District Council
Riverside House
Milverton Hill
Leamington Spa
CV32 5QH



28 July 2013

Dear Sir / Madam

Local Plan Consultation: Sites for Gypsies and Travellers

I am acting as the agent for the owners and occupiers of the Gypsy / Traveller site at Kites Nest Lane (Site 13 in the Council's consultation document). This submission relates to the entire consultation document [1].

There is an urgent need for provision of sites for Gypsy / Travellers within the District. Identification and delivery of sites for Gypsy / Travellers is often difficult. There is a pressing shortage of accommodation for this group of people at the national, regional and local level.

A number of sites proposed by the Council in its Sites for Gypsies and Travellers do not appear to be realisable if the sites to be delivered within the Council's revised development strategy are to be actually delivered. This would include the site on Europa Way in the Council's ownership.

There is an immediate need for eight pitches in the District should the Secretary of State determine that the existing site at Kites Nest Lane should not be allowed to remain in place through their inquiry system. The majority of the sites proposed by the Council have significantly similar characteristics to the Kites Nest Lane site whilst others are not likely to be deliverable due to opposition from land-owners without the Council exercising its compulsory purchase powers.

It is unlikely that the Council will be able to exercise its compulsory purchase powers if the Council takes planning enforcement against Kites Nest Lane as landowners will simply identify that the Council has cleared a functionally similar site in the district (which was more easily deliverable and/or was better suited to Gypsy / Traveller use than the site the Council could be seeking to compulsory purchase.

There is consequently currently a significant issue as the Council is consulting on potential sites for amongst others the owners and occupiers of

Kites Nest Lane whilst also taking enforcement action against them through the Courts. The owners and occupiers have made a commitment to the court to vacate the site should their appeal against refusal of planning permission be the Council (subject to any reasonable appeal) be upheld by the Secretary of State. There is nowhere for them to relocate. The Kites Nest Lane site is the only site occupied by Gypsy / Travellers in the district and is the only occupied site that is subject to consultation.

The various sites proposed by the Council includes Kites Nest Lane, other sites have similar constraints (i.e. planning enforcement notices) whilst others are subject to land contamination and/or flooding and have poor access. A large number of the proposed sites are within the Green Belt. In some cases local communities and/or land owners of proposed sites are actively opposing inclusion of their land within the Council's consultation document. The constraints affecting the sites are identified and estimates of 'deliverability' identified in the attached table [2].

It is believed that the sites need to be ranked according to deliverability irrespective of scheme based constraints, and that attention should be focused on the sites that are deliverable to meet existing need. The issues are contentious as Kites Nest Lane is within the Green Belt. However, other sites are within the Green Belt and are also identified as being within the Arden Landscape designation. There is acknowledgement by the Council that there has been a long-term policy failure to meet the needs of Gypsy Travellers in the District.

The issues are fraught and require a balancing of my clients and others need for a site where they can live (including failures of local government to provide sites), against the constraints and deliverability of sites within the District. My clients have always been very plain in their assertion that they are willing to relocate to an alternative affordable site in the district but that they are unable to identify one. It is understood that the Council has had similar problems.

The most important measure in the assessment process appears to be deliverability of sites within the local plan area of sites to meet need as soon as possible. It is hoped that the Secretary of State will delay any determination of the appeal into Kites Nest Lane until such time as the Council has completed its assessment of sites to be included within its Development Plan Document. I would anticipate the Council is in agreement that this would be sensible to allow impartial identification of the sites best able to meet the needs of Gypsy / Travellers and the local community in the District.

I would appreciate feedback from the Council on this issue and in particular clarification as to how it intends to ensure that it will have a site available for my clients to relocate if this should be required. My understanding is that of the sites proposed by the Council for development as a Gypsy site that Kites Nest Lane is the most easily deliverable, and is also subject to fewer constraints than the alternative sites proposed.

Yours faithfully



Stuart H CARRUTHERS

Attachments:

- [1] Warwick District Council, 'Sites for Gypsies and Travellers' June 2013;
- [2] Constraints associated with proposed sites
Landscape Designations of proposed sites