

007JH/tp/BIR.4361

9 May 2014

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

Dear Sir/Madam

**Gypsy and Traveller Preferred Options Consultation  
Representations on behalf of Gallagher Estates**

Gallagher Estates welcome the opportunity to comment on the Sites for Gypsies and Travellers 'Preferred Options for Sites' March 2014 and acknowledges that the District Council need to plan for the accommodation needs of the Gypsy and Traveller community into the future in accordance with the Government's approach set out in the "Planning Policy for Traveller Sites" (PPTS) and the National Planning Policy Framework (NPPF), both published in March 2012.

**Duty to Cooperate**

The principal concern relating to the Gypsy and Traveller Preferred Options relates to the Duty to Cooperate. Paragraph 8, PPTS states that Local Authorities should; "*work collaboratively with neighbouring local planning authorities*". This is followed, at paragraph 9, part (c) by Authorities being asked to consider producing joint development plans on a cross boundary basis, to provide more flexibility in identifying sites particularly in instances where there are planning constraints across an authority area. In particular part (c) reminds us that; "*local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries*".

The Duty to Cooperate is enshrined in Section 33A of the Planning and Compulsory Purchase Act (PCPA). The provisions of the PCPA are reflected in the NPPF from paragraph 178 to 181 in particular. Paragraph 178 sets out that public bodies have a duty to cooperate on planning issues that cross administrative boundaries. It goes on to point out that the Government; "*expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.*" Paragraph 179 goes on to state that; "*joint working should enable local authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework*".

Paragraph 181 goes on to say that LPA's will be; "*expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plan or policies*

Page | 1



*prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position".* Paragraph 182 goes on to state that an Inspector will assess whether the plan has been prepared in accordance with the Duty to Cooperate.

The Duty to Cooperate is something that is engaged in respect of planning for the gypsy and traveller population whose needs are transient in nature and may well cross administrative boundaries. The very nature of the gypsy lifestyle presumably makes this a matter that needs to be looked at strategically over a wider area.

In light of the above we are concerned that the Authority offers no evidence of when and how, as a District it will demonstrate cooperation on this matter given the strategic nature of it. The Authority will undoubtedly need to demonstrate this in order for the Plan to progress to adoption.

### **National Guidance**

Under the provisions of the Housing Act 2004, and the NPPF, Councils' are required to meet the accommodation needs of the population within their area. This includes the needs of Gypsies and Travellers.

The NPPF at paragraph 47 states that in order to boost significantly the supply of housing, Local Planning Authorities should

- "Use their evidence base to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period; and
- Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements...."

There is a specific note relating to the definition of 'deliverable' which says that:

*"in order to be considered 'deliverable', sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable".*

The issue of a realistic potential to deliver sites 'now' is an important point to consider, in the assessment of potential development sites, especially in the case of Gypsy and Traveller sites, where the scale of development may be such that viability is more difficult to achieve if there are high front end costs in bringing the site forward and additional obstacles such as the potential need to Compulsory Purchase potential sites. These not only impact on costs, but also on the realistic timescales for delivery.

In addition to advising that Local Planning Authorities preparing plans for, and taking decisions on, traveller sites should have due regard to the policies in the NPPF so far as relevant, the Planning Policy for Traveller Sites (PPTS) document also outlines a number of aims in respect of Traveller sites. In particular, Local Authorities are advised, in producing



their Local Plan, to *"Identify and update annually, a supply of specific deliverable sites sufficient to provide five years worth of sites against their locally set targets"*. As with the NPPF, there is the same specific note defining how to measure 'developable'.

Taking the above issues on board Gallagher Estates have noted the content of the Gypsy and Traveller Accommodation Assessment 2012 (March 2014) Preferred Options and the sites contained therein. The document has referenced the Gypsy and Traveller Accommodation Assessment 2012 in relation to the need to provide for 31 permanent pitches over a 15 year period, 25 of which need to be provided within the first 5 years of the plan period as a result of historic under provision.

In terms of the number of pitches on each site, the document indicates that whilst Government advice had been that sites of between 5 and 15 pitches were the most appropriate, this advice has been amended such that the lower end of this scale is now recommended. In effect this therefore means that a larger number of sites, containing fewer pitches, is now required.

The Council has outlined a range of criteria to which suitable sites should adhere to as closely as possible, and these are, in general terms, consistent with the Government's policy as set out at paragraph 11 of the PPTS. However we are also mindful of the need for sites to be 'deliverable' and 'developable', noting particularly that:

*"in order to be considered 'deliverable', sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable"*.

With this in mind we consider the document should go further in respect of demonstrating deliverability of sites. Potential barriers have been identified in relation to a number of the Preferred Option sites that could potentially make it unviable for the provision of pitches, within the next five years.

It is noted that the justification relating to the Preferred Options identified says that there is a risk that one or more of the preferred option sites will not be able to deliver the pitches proposed. It is recognised, as an example, that necessary on and off site infrastructure requirements may render some site unviable and therefore undeliverable.

It is Gallagher Estates view that if a site does not meet with the Governments advice concerning deliverability, and is therefore not a realistically viable option, then it should not be classified as a Preferred Option. Such an approach would not be justified or effective, rendering any such allocation 'unsound.' Accordingly, the Pre Submission Draft version of the Plan necessarily needs to address this issue.

With this in mind, we offer some observations in relation to the following specific sites.

Preferred Option GT15 – Land to East of Europa Way (green)

It is proposed that this site could accommodate up to 5 pitches but there are some issues to note. Firstly, the detailed assessment of the site reveals that it is unlikely that a connection to the public foul mains sewer could be achieved and would therefore require a non mains solution. The assessment also notes that in order to supply adequate electric



supply, some high voltage network would need to be constructed, and that this could have implications for site viability. A large proportion of the site is also within the floodplain of the River Avon, which the assessment advises would significantly reduce the amount of usable land which, again, could affect viability. Finally, it is our understanding that at some stage in the future it is intended that Europa Way be subject to dualling. Gallagher Estates would ask whether proposing an access in this location to serve the site would be prejudicial to the proposals for dualling.

Preferred Option GTalt01 – Brookside Willows, Banbury Road (green)

This is a preferred option site with up to 10 pitches proposed. Whilst the site already has planning permission for holiday caravans, the needs of such a development differ somewhat from the needs of the Gypsy and Traveller community. The site is located within Flood Zones 2 and 3 and as such is at risk of flooding without potentially expensive drainage works on site. The survey also indicates that there are certain biodiversity issues on the site that would potentially need to be accommodated thus potentially reducing the developable area.

In light of the above there are potential barriers to making these sites suitable, deliverable and viable for the intended purpose.

I would be grateful if you could acknowledge receipt of these representations and would ask that I be notified of all future consultations relating to Gypsies and Travellers.

Yours faithfully



**Planning Director**

joanne.hedgley@pegasuspg.co.uk

Enc.



## Gypsy and Traveller Preferred Options Sites Response Form 2014

For Official Use Only

Ref:

Rep. Ref.

Please use this form if you wish to comment on the Gypsy and Traveller Preferred Options Sites.

**If you are commenting on multiple sites you will need to complete a separate copy of Part B of this form for each representation.**

This form may be photocopied or, alternatively, extra forms can be obtained from the Council's offices or places where the consultation documents have been made available (see back page). You can also respond online using the LDF Consultation System, visit: [www.warwickdc.gov.uk/newlocalplan](http://www.warwickdc.gov.uk/newlocalplan)

### Part A - Personal Details

	1. Personal Details	2. Agent's Details (if applicable)
Title		
First Name		JOANNE
Last Name		HEDGLEY
Job Title (where relevant)		
Organisation (where relevant)	GALLAGHER ESTATES	PEGASUS GROUP
Address Line 1		UNIT 5 THE PRIORY
Address Line 2		OLD LONDON ROAD
Address Line 3		CANWELL
Address Line 4		SUTTON COLDFIELD
Postcode		B75 5SH
Telephone number		0121 308 9570
Email address		joanne.hedgley@pegasuspg.co.uk
Would you like to be made aware of future consultations on Gypsy Traveller sites?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
About You: Gender		
Ethnic Origin		
Age	<input type="checkbox"/> Under 16	<input type="checkbox"/> 16 - 24
	<input type="checkbox"/> 45 - 54	<input type="checkbox"/> 55 - 64
		<input type="checkbox"/> 25 - 34
		<input type="checkbox"/> 35 - 44
		<input type="checkbox"/> 65+
Where did you hear about this consultation e.g. radio, newspaper, word of mouth, exhibitions?		



# Part B - Commenting on the Gypsy and Traveller Preferred Sites

If you are commenting on multiple sites you will need to complete a separate sheet for each representation

Sheet  of

The policy in the Draft Local Plan will list the criteria by which Gypsy and Traveller sites will be judged for suitability and sustainability. These are the criteria:

- Impact on the green belt
- Impact on Landscape character
- Impact on heritage assets and the settings of heritage assets
- Impact on designated areas of nature conservation Flooding issues
- Ability of infrastructure requirements to be adequately met
- Impact on ecology
- Impact of land contamination, noise and other disturbance
- Agricultural land quality
- Impact on visual amenity including the visibility and character of the site and surrounding area
- The potential for the site to be adequately screened
- Access to the road network
- Distance to GP surgeries, schools, dentists, hospitals, shops and community facilities
- Proximity to other residential properties
- Potential for the proposal to utilise previously developed land
- Safe access to and from the site for vehicles and pedestrians
- Site topography
- Suitable size
- Availability of the site (including impact on the existing uses on the site)
- Deliverability of the site and associated infrastructure requirements

Please give your views about site suitability below with reference to this list of criteria.

Which site are you responding to? (e.g. GT04 Land at Harbury Lane/Fosse Way)	<input type="text" value="GT15 - LAND EAST OF EUROPA WAY"/>
What is the nature of your representation?	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Object <input type="checkbox"/> Comment
Please set out full details of your objection or representation of support with reference to the criteria above.	
PLEASE SEE COVERING LETTER	

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## Guidance on Making Representations

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- To return this form, please drop off at one of the locations below, or post to: **Development Policy Manager, Development Services, Warwick District Council, Riverside House, Milverton Hill, Leamington Spa, CV32 5QH** or email: [newlocalplan@warwickdc.gov.uk](mailto:newlocalplan@warwickdc.gov.uk)

## Where to see copies of the Gypsy and Traveller Preferred Options Sites

Copies are available for inspection on the Council's web site at [www.warwickdc.gov.uk/newlocalplan](http://www.warwickdc.gov.uk/newlocalplan) and at the following locations:

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## Part B - Commenting on the Gypsy and Traveller Preferred Sites

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If you have objected to a Preferred Option site, is there another site (green or amber) from the Alternative Sites that you would support instead? Give your reasons for preferring this site?

PLEASE SEE COVERING LETTER

Do you have any other suggestions for land within this district that you think would be suitable for use as a Gypsy and Traveller site, bearing in mind the criteria for site identification? If so, please give the location and the land owner's details below:

N/A

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