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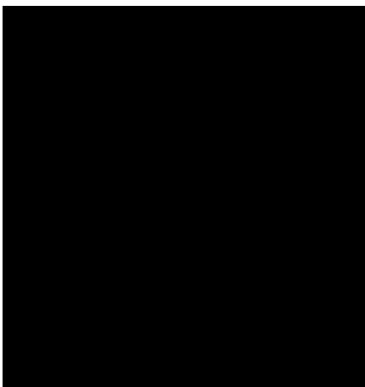
Reference: GT04 Land at Harbury Lane, Fosse Way

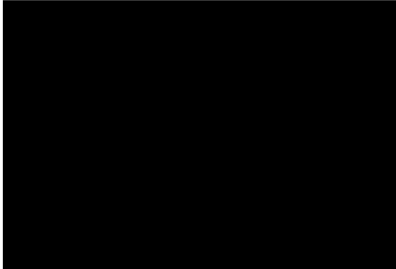
2nd May 2014
Dear Sirs

Preferred Site GT04 for Gypsies and Travellers (G&T)

I wrote to you on 30th April 2014 – please ignore that letter and replace it with this one - there was a typo in page 5 of the original letter

Thanks





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Reference: GT04 Land at Harbury Lane, Fosse Way

30th April 2014

Dear Sirs

Preferred Site GT04 for Gypsies and Travellers (G&T)

I wish to **object** to the Gypsy and Traveller preferred site GT04 Land at Harbury Lane, Fosse Way.

I am one of the landowners at GT04 (I own the land bordering the Football Club on its east side).

My comments and some of my concerns are as follows:

1. I have previously made it completely clear that there is no way any of my land is available in any way for a Gypsy and Traveller site. However WDC have totally ignored this and retained my land as part of the possible GT04 site.
2. Whilst WDC officers have denied this to me in person, there is clear guidance from Dept. of Communities and Local Government stating that land should NOT be compulsorily purchased to provide permanent sites for Gypsies and Travellers This is confirmed in the following extract from Hansard

25 Apr 2013 : Column 1133W

Brandon Lewis: We have taken a series of steps to increase planning protection of the green belt and open green spaces:

We have revoked the last Administration's Office of the Deputy Prime Minister Circular 01/06 on traveller sites. Our new planning guidance on traveller sites, published in March 2012, strengthens protection of the green belt and open countryside. It clearly states that "plan-making and decision-taking should protect Green Belt from inappropriate development"; "traveller sites (temporary or permanent) in the Green Belt are inappropriate development" and "local planning authorities should strictly limit new traveller site development in open countryside" (DCLG, Planning policy for traveller sites, paragraphs 4, 14, 23).

This is complemented by the strong protection for the green belt in the National Planning Policy Framework (e.g. paragraph 14, footnote 9, paragraph 17 and section 9). For the avoidance of doubt, unmet need does not in itself constitute the "very special circumstances" necessary to permit inappropriate development in the green belt.

The last Administration's guidance, which pressured councils to compulsory purchase land for traveller sites, has been deleted (Circular 01/06, paragraph 35).

Stronger consideration is now given to the protection of local amenity and the local environment amenity (Planning policy for traveller sites, paragraphs 4, 9). Text disregarding local landscape and nature conservation designations has been removed (Circular 01/06, paragraph 53).

3. None of the sites WDC is consulting on are available for purchase i.e. none of the landowners want to sell. So in all cases WDC would be faced with trying to conduct an illegal compulsory purchase. However in the initial consultation there were two

possible sites where the landowners were willing to sell but for no apparent good reasons these were rejected.

4. I run a specialist high end equestrian business on the land comprising part of GT04 and the loss of any land would have a fundamental impact on the business both in terms of its sustainability and profitability. The business would cease to be viable and this would result in WDC being laid open to a massive consequential loss claim.

5. The National Planning Policy Framework (March 2012) (NPPF) requires that the assessment of site suitability should be consistent with other planning requests. WDC should recognise that in 2010 and 2011, I attempted to get planning permission for a relatively small three bedroom agricultural workers tied dwelling some 200 m from the proposed GT04. After many months of representations, we were told that the application would be rejected because it would have an “adverse impact on the character of the area” (we were advised to withdraw the application). More recently our near neighbour Mr K Edmonds at Blacon House again 200m from GT04 had an application rejected on the same grounds. How can WDC now say that the construction of a site for 10 -20 caravans would not similarly have an adverse impact in the character of the area. This would be entirely inconsistent and therefore against NPPF and would be discrimination against me.

6. Let me now turn to issues which cover GT04 as a whole (my land, that of the Football Club and Mr Wright’s agricultural land) :
It is obvious that even at a high level, GT04 does not comply with the fundamental planning criteria laid out in the NPPF nor PPFTS nor indeed the criteria laid out WDC’s own consultation documents for Gypsy & Traveller sites. In no way does GT04 comply with planning policy whereby sites should provide satisfactory access to nearby services and quality of life. Specifically:-
 - Accessibility to shops and local services: GT04 does not meet the NPPF guidelines nor those of Dept. or Communities and Local Government (CLG) Planning Policy for Travellers sites (PPFTS) (March 2012) recommended 5-10mins walk on a pavement. There is no pavement on Harbury Lane and the width of the road and proximity of hedgerows would prevent the construction of one. The cost of building a pavement would be very high. But even if a pavement were in place, it would still be a 40-45 minute walk to the nearest shop and local services

 - the published Planning policy for Gypsy & Traveller sites requires that schools / GP surgeries are a 5-10 minute walk away. Those closest to GT04 are at least a 45 minute walk away along unlit roads with no pavement. The nearest GP surgery is three miles away and that surgery is at capacity. Also not only are the nearest primary, junior and senior school 40 + minutes away on foot but they are all already at capacity.

- Proximity to local community: GT04 does not meet the NPPF or PPFTS guidelines recommendation for sites to be on at least the edge of a community to encourage integration. Indeed GT04 is of all the current 5 preferred sites furthest from any community and services

- The NPPF and PPFTS make it very clear that the size of sites should not be disproportionate to the local community. However WDC propose to Establishing 5-10 pitches at GT04 which using the GTAA figures of 1.6 caravans per pitch and four individuals per caravan would give a population of between 32 and 64 individuals in area where the local community consists of 8 residential properties, with 16 adults and 4 children. The scale of the proposed GT04 development is therefore clearly and grossly disproportionate to the local community and this is therefore contradictory to the NPPF & PPFTS guidelines and recommendations.

- GT04 does not meet the NPPF or PPFTS guidelines and recommendations for access to good local transport. There is a limited bus service along Harbury lane and there are no bus pull ins or indeed anywhere for people to stand whilst waiting for a bus. Both potential passengers and car drivers would be placed at significant risk.

- It follows from the above that GT04 does meet the NPPF and PPFTS guidelines and recommendations for availability of good infrastructure. This includes roads, pavement, street lighting, broadband, cell phone reception. Harbury lane is a narrow and already very busy and dangerous road. It has no pavement. There is no street lighting along it between the boundary with Whitnash and Harbury Village. It is an area of poor cell phone reception – trust me I live there, it is awful on all networks. Additionally broadband is at best marginal and very slow – the proposed site is via the cable run, 7 kilometres from the Leamington telephone exchange which is at the extreme limit of ADSL broadband technology. I have below 500 kb download at best. BT have refused to renew the line and given the remit of their operating license they would not be allowed to do so just because of the development of GT04. Nor could the telephony be provided from the Harbury Exchange – I have tried that on with BT as well. So if GT04 was developed, the residents would have poor if not virtually non-existent communications. In summary the infrastructure at GT04 is poor and would require considerable investment to rectify. This is not an expense that WDC should even think of incurring during times of cutbacks in public expenditure and services.

7. Other planning issues:

- it takes but a matter of minutes to do a search on the web and discover that the area is prone to flooding with Harbury Lane and surrounding fields are often under water. Further as I know due to practical experience with my property just 200m away, GT04 would be unable to use soak away or runoff based drainage systems since the soil is clay based (there is solid clay less than 300mm from the surface) and

will therefore require connection to mains sewerage which does not exist in Harbury Lane. Simply it would not be possible to provide satisfactory drainage for 60 individuals.

-GT04 is located on Harbury Lane and close to the cross road with the Fosse Way which is a high risk travel route with high volumes of traffic and an increasing number of accidents. Speed cameras and warning signs highlight this fact. Children will be at risk if allowed to stand on a busy road to wait for transport to school if indeed such transport exists

- when WDC granted planning permission for the chicken farm at Barnwell farm (200m from GT04), the applicants documents contained detailed aroma maps. These clearly show that GT04 is within the zone of the densest aerial discharges from the Barnwell Chicken farm. Not only is the odour extremely unpleasant but the proximity to GT04 raises serious environmental and health concerns for its potential residents. I was told by a WDC officer that this was a primary reason that the potential G&T site at Barnwell farm was previously rejected. Simply -Barnwell chicken farm can smell awful and GT04 would not be a good place to live. Funnily enough the Gypsies and Travellers know this – last summer a representative of the local G&T community visited me to see if I knew of any land for sale. When I suggested he asked the owners of land at and around Barnwell Farm he said “we wouldn’t want to live near that, it smells” –so why is WDC still looking at GT04? The G&T don’t want to live there and the volume and density of discharge from Barnwell Farm is in fact worse at GT04 than right next to the extraction chimney!

- another environmental issue is that GT04 is within 400m of the Harbury Lane Breakers yard, which generates noise and air pollution and which would make GT04 an unpleasant place to live but also an unhealthy one.

- GT04 is an area of good quality farmland fully utilised for livestock and arable farming.

- GT04 will lack of Integration into the landscape and would spoil the views from Chesterton Windmill, a 17th-century Grade I listed building and a striking landmark in South-East Warwickshire and will have an adverse visual impact from Harbury and The Fosse Way (Roman Road).

- the development of GT04 would mean that that private vehicles would have to be used to access shops and local services thus adding to traffic on an already busy and dangerous road but also causing unnecessary environmental damage.

-In my opinion GT04 would have a very detrimental impact on tourism and visitors to Warwickshire especially including Mallory Court Hotel just a mile up the road and a consequential effect on local employment. Consider the ‘new’ directions to Mallory Court a leading five star hotel –“travel north up the historic and scenic Fosseway Roman Road, turn left into Harbury lane, pass the Gypsy & Traveller site on your right, after a further 200m pass the scrap yard and you will find Mallory Court less

than a mile further on" – the proximity to GT04 will undoubtedly dissuade many visitors from booking in at Mallory Court

- The site will damage wildlife habitat –in recent years we have had a strong growth in the population of birds of prey (kestrels, Buzzards and owls) and also Muntjac deer. A permanent residential presence is sure to scare these animals away.

8. Need and process

- WDC paid Salford University to conduct a Gypsy and Traveller Accommodation Assessment in order to establish whether there is a need for additional permanent G&T sites. However there is no evidence that WDC have conducted any due diligence or validation of the accuracy of the report.

Had WDC done even basic Due Diligence on the GTAA report, the following facts would have become obvious:

- that its analysis is not statistically significant,
- it contains numerous contradictions,
- there are crucial numerical errors
- it uses a number of assumptions that have subsequently proven to be invalid (it ignores the 2011 census data which totally contradicts the core assumptions of the GTAA , the vast majority of respondents to the GTAA survey either:
 - o admit to having a permanent base somewhere else (outside WDC) or
 - o live in houses

neither group should under PPFTS guidelines be considered as part of a needs analysis for permanent sites

- is based on a methodology and set of assumptions which has seen the Salford methodology and reports rejected by other Councils. As a single example when 83% of all G&T in UK live in bricks & mortar accommodation and this percentage is increasing (Government data accepted by National Gypsy Council), why does the GTAA not analyse the projected movement from mobile accommodation into bricks & mortar accommodation? This would have the effect of reducing the need
- It does not reflect the NPPF nor PPFTS but rather the now rescinded ODPM Circular 01/2006

The GTAA is un-safe and WDC should NOT be using it as a basis to assess need.

A full and detailed analysis of the Salford GTAA is available from myself

WDC have simply adopted the headline numbers in the GTAA but clearly have ignored many of the crucial qualitative recommendations on the report.

The WDC consultation have not considered as required by the PPFTS and as recommended by the Salford GTAA, the existing capacity of current sites within Warwickshire county and adjacent districts. Additionally the Salford GTAA does not consider the impact of the planned Transit site near Southam because this has been agreed by Warwickshire County Council subsequent to the completion of the GTAA.

Overall the WDC proposals for 25 additional pitches means that it will provide for more accommodation than the total number of Gypsy and Traveller residents currently living within WDC boundary (as defined by the Salford GTAA) the vast majority of whom already live in houses. This is utterly illogical as the GTAA demonstrates that there are few Gypsy & Traveller families living in illegal encampments in WDC area. It is clear that to provide accommodation for 160 individuals (25 pitches with 1.6 caravans per pitch and 4 individuals per caravan) when the GTAA says there are less than 150 Gypsy & Travellers currently permanently living in the area and the vast majority in houses makes no sense -the requirement is at best clearly seriously over-stated but almost certainly there is no need.

Another serious error by WDC is the fact the source of funds for the proposed sites has not been proven. Taking GT04 in isolation, the cost to create 5 to 10 permanent pitches ranges between £325k to £650k, using the government's figures of £65k per pitch. (this ignores the possible costs of the relocation of the Football club). Having personally asked WDC Officers, I was told that the strategy is for Gypsy and Travellers to buy the sites and pay for their development. I was told that the only evidence that they could afford to do this was verbal. There is no firm written evidence in the form of 'Proof of Funds' that G&T's can or will pay these sums of money. Further WDC have not suggested an alternative if Gypsy & Travellers cannot or will not pay. GT04 should not be considered if there is no proof that G&T's can afford to and will buy and develop it

Further the GTAA specifically shows that only 26% of respondents said they could afford a pitch even though the questionnaire which elicited these responses did not quote a costs or a range thereof. Also the GTAA specifically quotes a respondent who says that G&T cannot afford prices on privately run sites and prefer Council run sites.

Additionally the NPPF and PPFTS clearly state that adjacent District Councils are required to collaborate in the needs analysis and in selecting sites. Having asked a WDC officer I was told that WDC has only had a "10 minute long but un-minuted meeting" with Stratford DC and there is no record of any substantive discussions with Rugby DC or any other adjacent DC's. Further, the discussion with Stratford cannot have any real substance as Stratford DC is some 9 to 12 months behind WDC and therefore WDC's process does not meet a core Government requirement. Another area where WDC has failed to meet the requirements of the NPPF and PPFTS is that there is no evidence that WDC have weighed up the cost to council of Compulsory purchase vs development of underutilised brownfield sites including those that the council already own.

There has been little (and passive) publicity of the Consultation process and key milestones. Had it not been for the local Community group I would not have known about it – it feels and looks like this is a deliberate underhanded approach

9. Positive Discrimination

GT04 (and the other preferred sites) represent positive discrimination against the existing settled communities because:

- Gypsies & Travellers are by nature travelling people –they do not stay in one place long as demonstrated by the GTAA. It is not clear why their supposed preference for having permanent sites in WDC has been taken into account to such a degree by the Council. There is a concern amongst all neighbouring communities that positive discrimination in favour of G&T is taking place, at the expense of those in the settled communities. The Council should try and develop and maintain a fairness between the Travelling and settled communities in a way that they have not done thus far.
- the GTAA identifies 'concealed' G&T households and alleges there is a tradition and therefore a need for children to have independent accommodation close to their family. Again this can be construed as positive discrimination as everyone else in settled communities has to make financial decisions for themselves and their families in order to afford their own accommodation and will continue to have to do so, regardless of what the Local Plan proposes in terms of housing allocations.
- there is no justification (and no requirements in NPPF or PPFTS documents) for why the wishes of settled G&T in bricks and mortar are being taken into account. Again this should be viewed as positive discrimination against settled communities.

10. Summary

I object to GT04 on the basis that:

- a) It is not sustainable (a key requirement of NPPF and PPFTS)
- b) It does not meet ANY of the basic requirements of NPPF or PPFTS
- c) The avowed need for GT04 is based on a grossly flawed GTAA and there is probably no real need
- d) WDC have not properly consulted with neighbouring authorities or considered the need in the context of the existing provision and utilisation in Warwickshire - why build new sites when the existing Ryton site (less than 8 miles away) is virtually empty?
- e) The basis for the proposal around GT04 is clearly positively discriminates against the settled community.

