

Land at Stratford Road, Warwick: Objection to the allocation for and use as a Gypsy and Traveller site

Chase Meadow Residents' Association

4th December 2014

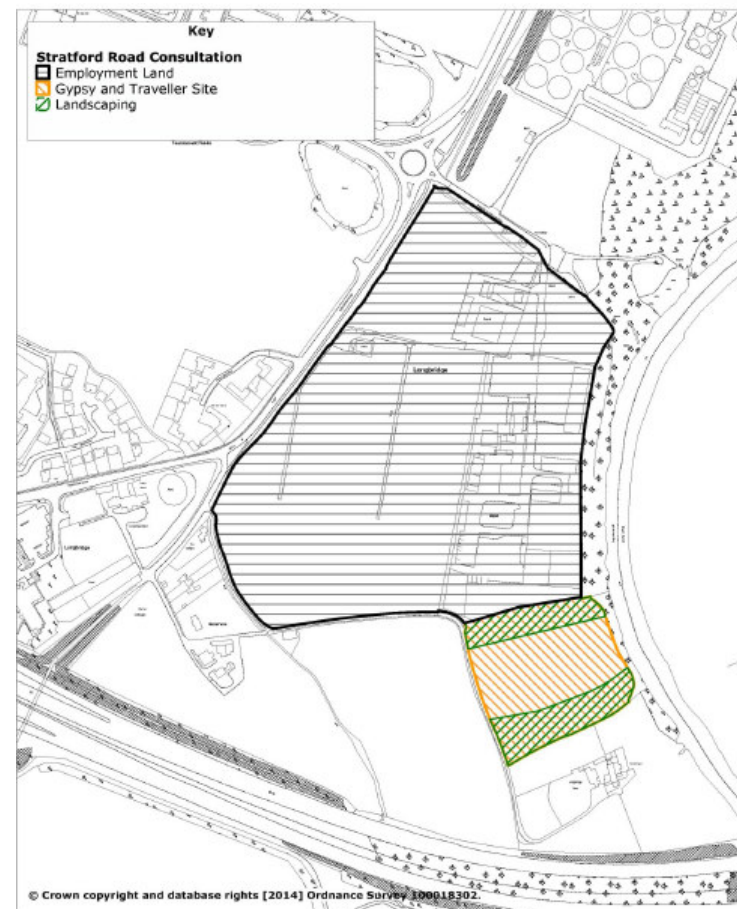
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1. Introduction

- On Monday November 3rd Warwick District Council (“WDC”) instigated a 6-week Public Consultation process asking local residents to consider its proposal for a permanent 15 site gypsy and traveller site on land off Stratford Road in Warwick (the “Proposed Site”). The specific site identified is shown in the map below, a copy of which was included in the WDC’s Consultation Document entitled ‘Sites for Gypsies and Travellers Preferred Options Consultation’, dated October 2014.
- These representations are a formal objection to WDC’s proposal and are submitted by the Chase Meadow Residents’ Association (referred to throughout as CMRA, we, our), which represents the home-owners of the large residential estate on land broadly opposite the Proposed Site. In developing these representations CMRA has also consulted with residents from across the Warwick West and South wards including residents from, but not limited to, Earls Meadow, The Peacocks, Forbes estate, Stratford Road and Longbridge.
- The content of this objection was explained to members of the CMRA, and other local Warwick residents, at a public meeting held at Aylesford School on Thursday November 4th.
- Guidance and criteria set out in the following relevant documents have been referenced throughout:
 - The Department for Communities and Local Government (“DCLG”) Planning Policy for Traveller Sites (“PPTS”)
 - The DCLG National Planning Policy Framework (“NPPF”)
 - The DCLG Designing Gypsy and Traveller Sites Good Practice Guide (“GPG”)



1. Introduction (cont...)

- Paragraphs 1 and 2 of PPTS 2012 state: *“This document sets out the Government’s planning policy for traveller sites. It should be read in conjunction with the National Planning Policy Framework. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This policy must be taken into account in the preparation of development plans, and is a material consideration in planning decisions. Local planning authorities preparing plans for and taking decisions on traveller sites should also have regard to the policies in the National Planning Policy Framework so far as relevant.”*
- As WDC does not have an up-to-date Local/Development Plan it is the PPTS and the NPPF documents against which WDC’s proposed plans for gypsy and traveller sites must be judged.
- The GPG is applicable and relevant to WDC’s proposal. Paragraph 1.4 states that its purpose is to *“familiarise developers with the key elements necessary to design a successful site and to identify good practice using case study examples”*.
- The guidance across these documents is therefore helpful in understanding the criteria for successful site selection. CMRA believes that in order to demonstrate good planning the WDC should therefore either follow the advice set out in the documents or publicly identify areas where it has deviated from said guidance, clearly explaining reasons for doing so.
- The representations conclude that the Proposed Site is not suitable for the intended use, and should therefore not be taken forward as a preferred site. Whilst acknowledging that WDC does have a statutory obligation to provide sufficient permanent and temporary pitches to meet the accommodation needs of the Gypsy and Traveller population within its area, this in no way justifies the selection of a site that is clearly completely unsuitable across a wide range of specific criteria as set out in the following sections.
- CMRA also believes that, regardless of ultimate site selection, the process WDC has followed to select the Proposed Site as a preferred option (including the public communication and consultation process) has been flawed and before any site can be selected a more transparent, democratic and evidence-based process must be run.

2. Availability, Deliverability and Viability

- Paragraph 9 of the PPTS states that local planning authorities should, in producing their Local Plan (our underlining): “a) *identify and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets*”. Footnotes 7 and 8 to that paragraph state that: ‘*To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that development will be delivered on the site within five years and in particular that development of the site is viable.*”

Availability and Deliverability

- CMRA contends that it is by no means certain that the site is actually available and, at the very least, the question of availability is extremely confusing to the public due to lack of information released by WDC.
- The Consultation Document does not state who the owners of all the pieces of land required for the site would be apart from WDC themselves. However it is the CMRA’s understanding that overall three parties involved are:
 1. Severn Trent Water (“STW”), which owns the land to the north of the proposed site, which has been earmarked for employment/commercial use;
 2. WDC, which owns a small parcel of land currently used for refuse collection trucks; and
 3. Mr David Robert Webb of Home Farm, Longbridge, who we believe owns the land upon which the Gypsy and Traveller site would be located.
- Throughout the consultation process WDC has maintained that all of the parties were supportive of the project and willing to make their land available. However it is the understanding of CMRA that STW were never made aware of the WDC’s intention to include a permanent Gypsy and Traveller site at the bottom of their proposed development of land for economic/commercial use.

2. Availability, Deliverability and Viability (cont...)

Availability and Deliverability (cont...)

- We have a letter from STW stating their opposition to the proposed Gypsy and Traveller site (attached as Appendix 1). The relevant excerpts from the letter are as follows:
 - *“...to our complete surprise WDC have subsequently informed us that they wish to see part of the future employment development set aside to accommodate a Traveller site*
 - *I can confirm that STW has not agreed with the Council to provide any land to facilitate such a use and furthermore we have not committed to realign the Cordon Sanitaire to enable the Council to use their own land for such a use.*
 - *We will in fact be making formal representations to the Council at the appropriate time stating that we believe this to be a wholly inappropriate site to have alongside a high quality employment development and that only uses consistent with a high quality office environment should be considered”.*
- We are unclear as to whether Mr David Robert Webb has any intention of willingly selling the site for development as a gypsy and traveller site and/or developing it himself as a gypsy and traveller site. If he has no intention of either, WDC would have to pursue a Compulsory Purchase Order (“CPO”).
- The CPO process, which would be required to forcibly purchase the land, is uncertain and subject to a public inquiry. The timescales for a CPO are variable but it is not realistic to expect that the timescale for settling on the Proposed Site as a ‘firm’ site post serving the order, holding the CPO Inquiry, and confirmation from the Secretary of State would be any less than three to four years. This means the site would not be available now.
- Although CPO powers are strong, the local authority must be able to demonstrate that forcibly acquiring the land is necessary and that there is a ‘compelling case in the public interest’ - the legal test for a CPO. We can understand that forcibly purchasing land to make way for new roads or train lines is in the public interest, as thousands of people would benefit from the improved infrastructure, but the same cannot be said for forcibly purchasing private land for the benefit of a maximum of 15 families.

2. Availability, Deliverability and Viability (cont...)

Availability and Deliverability (cont...)

- A CPO strategy would be high risk for WDC. As far as we have been able to research there have been no successful CPO cases in England for a new gypsy and traveller site. Only one local authority has attempted to secure a traveller site using a CPO process. On the 17th April 2012 the Secretary of State accepted his Inspector's recommendation not to confirm the Mid Suffolk District Council CPO order for land at Combs Lane, Finbrough. Each case will be considered on its own merits but in this instance the Secretary of State concluded that there was no compelling case in the public interest.
- The required mitigation of poor access to the site, noise pollution and flood risk (as discussed later in this document) also means the site is not suitable for development now, as the problems are extensive and would take considerable time and effort to remedy.
- In summary, we believe that the Proposed Site cannot be considered available and deliverable now and taken forward as a preferred option as WDC has not provided, and cannot provide, evidence to that effect.

2. Availability, Deliverability and Viability (cont...)

Viability

- WDC does not seem to have produced any evidence that the Proposed Site would be viable, nor do they seem to have considered this fundamental criterion in the site selection process. The importance of viability is echoed in footnote 11 to paragraph 47 of the NPPF.
- Below we produce a simple appraisal of the scheme that concludes, on the assumptions used, that the costs of development would be significantly higher than the end value of a site for 15 pitches. We have used the following assumptions in the appraisal:
 - A weekly pitch rental of £75 per week. From our research traveller pitch rentals around the country vary from £45 to £80 per week. This would equate to a gross annual income of £58,500 per annum assuming 100% occupancy. We deduct 5% for management cost and then apply an 8% investment yield to get to a capital value for the completed and let site of c.£695,000.
 - The assumptions on costs are set out opposite – they include estimated costs of hard surfacing for the access roads and hard standings, the 15 amenity buildings to include kitchens and bathrooms, allowances for landscaping, fencing and flood defences, and an estimate for bringing utilities to the site.

Stratford Road, Warwick - Proposed site financial viability assessment			
End value (£):			
	15 pitches at:	75	per week
Gross annual income		58,500	per annum
Less 5% management charge		(2,925)	per annum
Net annual income		55,575	
Capital value at an investment yield of:	8%	694,688	
Cost of development (£):			
Purchase of land, 2ha at £18k per ha	18,000	36,000	
Hard surfacing of 30% of site for access roads, hardstanding, etc. at £52 per sq. m	6000	312,000	
Concrete edging at £18 per linear metre	300	5,400	
15 amenity buildings to include bathroom and kitchen. 40 sq m each at £650 per sq m	26000	390,000	
Fencing, landscaping and noise mitigation		25,000	
Flood defences		50,000	
Electricity, gas and water supply to site		50,000	
Improvement of entrance roads to site		50,000	
Professional fees on above	8%	73,472	
Developer profit margin on costs (exc. Fees)	10%	91,840	
Total costs of development		1,083,712	
<i>Average cost per pitch</i>		<i>72,247</i>	
Funding / Viability gap:		(389,025)	
Benchmark of costs			
Average cost per pitch from HCA figures (see Appendix [])		65,054	
Total cost of development based on HCA cost per pitch		975,810	
Funding / Viability gap		(281,123)	

2. Availability, Deliverability and Viability (cont...)

Viability (cont...)

- We have used an agricultural land value of £18,000 per hectare assuming the land owner would sell at this figure with no premium.
- We have added 8% for professional fees and a developer's margin of 10%.
- This equates to a total cost of c.£1m or c.£72k per pitch. We have cross checked this cost with the HCA data available – see Appendix2. A simple analysis of this data shows an average pitch cost across some 60 schemes of £65k. Using either figure there is a significant difference between end value and cost.
- We don't claim our analysis to be totally accurate but, in the absence of any publicly available analysis from WDC regarding the viability of the Proposed Site, it does show a very strong likelihood that the scheme will not be viable and thus fail the viability test set out in the policy guidance. If tax payers' money is to be used to plug any funding gap (either local or national government funds) then this should be made explicitly clear in the consultation process as a key criterion to assess the different sites upon.
- The main particular attributes of the Proposed Site that result in it not being viable, relative to other potential sites, are:
 - 1) it requires a significant amount of screening/protection from the main tourist route into Historic Warwick, the M40, the River Avon and the Severn Trent sewage works;
 - 2) it is agricultural land so requires hard surfacing works and connection to utilities;
 - 3) it is in a flood zone area (zones 2 and 3) so requires flood risk mitigation; and
 - 4) existing access roads require improvement to ensure suitability.

Conclusion

- WDC has not, and cannot, provide robust evidence that the Proposed Site is available, deliverable or viable and therefore the Proposed Site fails the fundamental tests set out in the PPTS guidance.
- Furthermore WDC has not, and cannot, provide evidence that the Proposed Site is more available, more deliverable and/or more viable than all of the other previously considered and rejected sites in previous rounds of consultation. We therefore believe selection of the Proposed Site for inclusion in the WDC Local Plan would be based on political pressure to find a site in the required timeframe rather than selecting the most suitable site(s).

3. Access

- The GPG paragraph 3.4 identifies “*means of access*” as an important consideration for the sustainability of a gypsy and traveller site. WDC’s Consultation Document fails to address the issue of access to the Proposed Site simply stating, under criteria 15, “*Advice expected from WCC soon*”. However at no point during the consultation process has WDC provided any further information about access issues.
- We believe access to the site is a major problem and, even in isolation, makes it fundamentally unsuitable.
- Unless Severn Trent Water (“STW”) is willing to provide access to the site across its land (which it has indicated it would not – see Appendix 1 for a letter from the Director of Property Services for STW, confirming STW’s opposition to the site), the current narrow farm track leading to the site would have to be used for access.
- This narrow farm track (see picture below) would be totally inadequate when measured against relevant policies/guidance:
 - Paragraph 4.17 of the GPG states that “*In designing the layout of a site enough space must be provided to permit the easy manoeuvrability of resident’s own living accommodation both to the site and subsequently on to a pitch. Account needs to be taken of a more recent tendency for members of the Gypsy and Traveller communities to favour the use of a mobile home in place of the traditional caravan, and some mobile homes could be up to around 25 metres in length.*”

Turning off the A429 onto the road that leads to the farm track, and manoeuvring down the farm track would not be easy for a traditional caravan or a 25m mobile home.



3. Access (cont...)

- Paragraph 4.30 of the GPG states *“It is recommended that all roads are constructed to adoptable standards to avoid future maintenance costs, and in anticipation of increased wear and tear due to frequent movement of heavy vehicles.”*

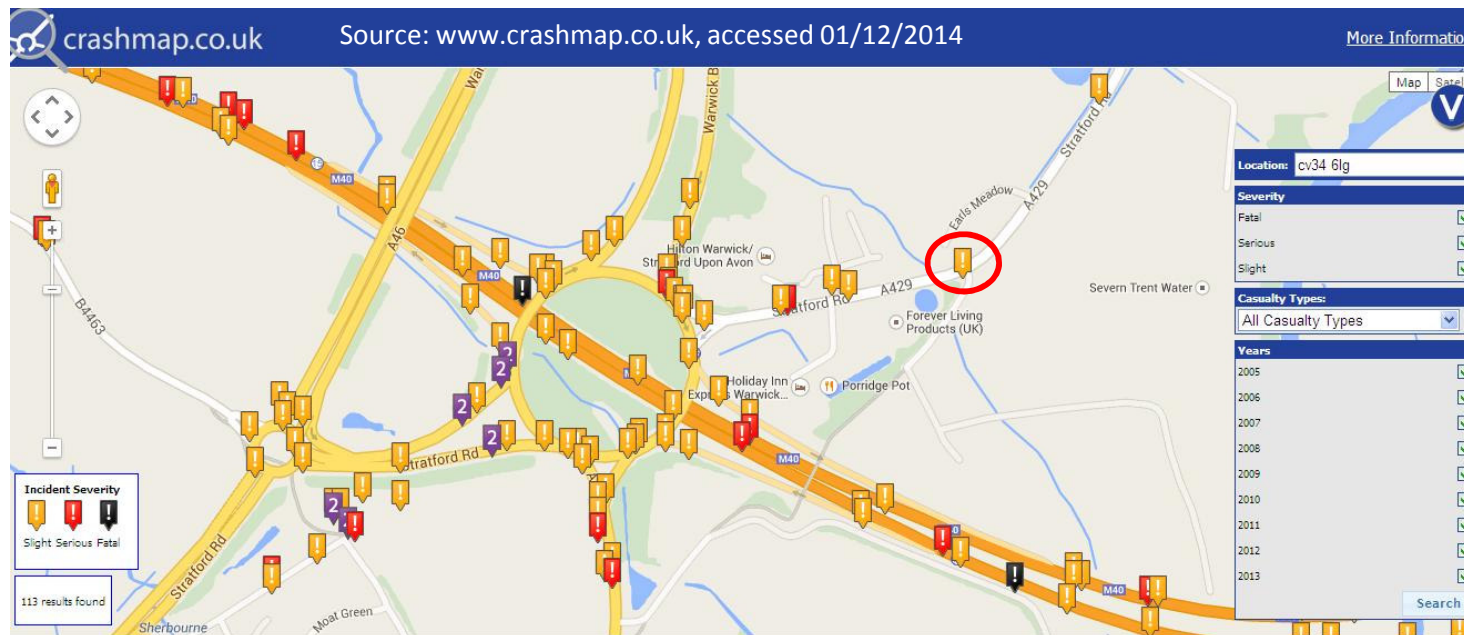
It is likely that the farm track would require extensive improvement in order to meet adoptable standards and comply with this guidance, which would impact the initial financial viability of the site. The alternative is to ignore this best practice guidance and risk the longer term sustainability of the site through higher maintenance costs.

- Paragraphs 4.25 to 4.29 set out some very clear guidelines around access for emergency vehicles, stating that: *“In designing a site, all routes for vehicles on the site, and for access to the site, must allow easy access for emergency vehicles and safe places for turning vehicles”* and *“To increase potential access points for emergency vehicles, more than one access route into the site is recommended. Where possible, site roads should be designed to allow two vehicles to pass each other (minimum 5.5m). Specific guidance should be sought from the local fire authority for each site.”*

As access to the Proposed Site is likely to be solely via the narrow farm track it cannot be considered appropriate as it does not comply with the Government guidance in relation to road width, multiple access points, ease of access for emergency vehicles and provision of safe places for turning. WDC has made no mention of consultation with the local fire authority in the Consultation Document and inclusion of the Proposed Site as a preferred option should be delayed until this has been completed. Mitigation of the listed shortfalls would take considerable time and effort, impacting both the deliverability and viability of the site.

3. Access (cont...)

- Access to the farm track requires turning sharply off the A429 Stratford Road close to the M40 Junction 15 (see red ring below for turning point), which poses it's own issues.
- Appendix 3 sets out Department for Transport figures showing that over 8,000 vehicles per day used this particular stretch of road on average in 2013. Many local residents have noted significant congestion in the lead up to the M40 roundabout.
- The map below shows that there have been over 100 road traffic incidents in the vicinity since 2005, particularly at the M40 roundabout(including one fatality), which would be on the main route into the site for residents.
- Both of these issues would be made worse by an increased number of slow moving large vehicles turning off/onto the A429 and manoeuvring in the general vicinity of Junction 15 of the M40.



Conclusion

- The Proposed Site is completely unsuitable due to major problems with access. WDC should select an alternative site that provides easy and safe access and complies with Government guidance in relation to access.

4. Flood risk

Flood risk

- Paragraph 11g of PPTS states that local planning authorities should ensure that their policies “do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans”.
- GPG paragraph 3.21 states that “that caravan sites for permanent residence are considered ‘highly vulnerable’ and should not be permitted in areas where there is a high probability that flooding will occur (Zone 3 areas).”
- The Proposed Site includes areas classified as Flood Zone 2 and Flood Zone 3a, so selecting this site goes directly against very clear planning guidance.
- The Consultation Document states that the Council has a technical report endorsed by the Environment Agency saying that the risk of flooding can be ‘mitigated’ and this will ‘eradicate the threat completely’.
- The CMRA have reviewed this document (entitled ‘Land at Longbridge Fluvial Flood Risk Note September 2014’) which is a report prepared by ‘Brookbanks Consulting Limited’ on behalf of ‘Severn Trent Property Ltd’. In the opinion of the CMRA this report is high level, speculative and does not actually contain any specific evidence that proves the flood risk status of the proposed site can be alleviated.
- We base the above assertion on the fact that the report identifies ‘Old House Brook’ as the source of the current flood risk to the site but then notes the following in its summary:

“whilst the one of the 2D elements of the modelling covers the proposed site, the Old House Brook has not been included in the modelling exercise and thus, the subsequent floodplains associated with this watercourse, shown within the 2010 modelling report, is based on less accurate, historic modelling techniques”.

“To ensure the most accurate and efficient outcome is achieved, it is recommended that a Stage 2 assessment is undertaken whereby both the Old House and Horse Brooks and surrounding areas undergo detailed modelling assessments to define the extend of flooding in more detail”.

“On the basis that the Stage 2 report provides positive results, Stage 3 alleviation assessments are considered viable to remove the site and some surrounding areas from the floodplain, thus reducing the risk of flooding and making the site a more preferable location for development’.

4. Flood risk

Flood risk (cont...)

- We believe this means that further assessments are required to actually provide proper data that could be used to decide the true flood risk posed by Old House Brook and subsequently determine if there are practical and economical means by which the significant risk of flooding posed by a Flood Zone 3 can be mitigated. This is yet another indication that the Proposed Site is not proven as deliverable or available now.
- The consultants have gone on to suggest two theoretical solutions to the risk of flooding, both requiring earth works and creation of flood storage berms. However no outline/estimated costs have been provided for these schemes which means that there is no certainty that either could actually be implemented without making the site completely commercially unviable.
- One of the theoretical solutions would involve the section of Old House Brook that flows behind 'The Peacocks' residential development on one side and the 'Tournament Fields' development on the other bank. Consequently the brook and its banks at this point are on private land belonging to the two parties above.
- Residents of the Peacocks whose properties back directly onto Old House Brook may refuse to give permission for the necessary work to be carried out on their land. In recent years water levels in the brook at this point have become very high during storm events partly as a result of capacity issues in the culvert that subsequently carries the water under the A429. WDC could potentially overcome this issue by placing a Compulsory Purchase Order on the land along this section of the brook but this would further increase the costs of the flood risk mitigation scheme and, as noted earlier, potentially severely delay delivery of the Proposed Site.
- Furthermore, the report makes no mention of the 'highly vulnerable' nature of the development proposed for the site, so any theoretical mitigation scheme cannot be considered robust.

Conclusion

- The Proposed Site is unsuitable as it is on a designated flood plain within Flood Zones 2 and 3 and therefore does not comply with Government guidelines.
- The report by Brookbanks Consulting does not provide any specific evidence that the flood risk can definitely be eliminated, nor does it estimate costs of implementing possible mitigation options.
- Therefore there is no way WDC can be confident that the site is deliverable or viable, or ultimately suitable for residential accommodation. WDC should select an alternative site that is not within a Flood Zone 3.

5. Living conditions for residents

- CMRA believes that locating residential accommodation of any kind at the Proposed Site is unacceptable as it provides sub-standard living conditions that would not be acceptable to the settled community (based on location, air/water/soil quality, noise and health and safety grounds). Placing members of the gypsy and traveller community on this site, therefore, goes against the WDC's moral obligation to treat all communities equally.
- Paragraph 10.4 of the GPG states *“Traditionally, Gypsy sites have been located on land which is inappropriate for alternative uses and this, in itself, has caused problems both for the Gypsy community and for Site Managers.”* WDC seem to be falling into this trap despite lessons already learnt elsewhere.

Location next to sewage works

- The GPG provides some very clear guidance on the location of permanent gypsy and traveller sites:
 - Paragraph 3.3 states *“It is essential to ensure that the location of a site will provide a safe environment for the residents. Sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will obviously have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children.”*
 - Paragraph 3.5 goes on to state *“When selecting locations for permanent sites, consideration needs to be given to the relatively high density of children likely to be on the site.”*
 - Paragraph 3.17 also states *“sites adjacent to a rubbish tip, on landfill sites, close to electricity pylons or any heavy industry are unlikely to be suitable.”*
 - Paragraph 3.7 states *“What is working in Ireland are small sites. And they are not placed under flyovers or pylons, or beside sewers, canals or tips; they are placed on proper positioned land, bang within the middle of a settled community, and they are working.”* *“We would make a strong plea for safeguards to be put in place to ensure that future site development is not located in polluted or hazardous locations, as... many sites are. Not only does this have a negative impact on Gypsies and Travellers health and access to services but it has a profound impact on how they feel they are perceived and treated by the wider community, likewise such locations reinforce the prejudiced perceptions that many in the settled community have of Gypsies and Travellers, such locations are therefore a major impediment to the social inclusion of Gypsies and Travellers.”*
- Based on this Government guidance, WDC's decision to locate a permanent site on land adjacent to a major sewage works is incomprehensible to CMRA. The Proposed Site should be considered unacceptable by WDC unless it can clearly articulate why ignoring Government guidance and locating families next to a sewage works is a sound and logical plan.

5. Living conditions for residents (cont...)

Air, Water and Soil quality

- PPTS Paragraph 11 states that *“Local planning authorities should ensure that their policies provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there”*.
- WDC’s Sustainability Assessment (dated October 2014) identified specific areas of concern related to air, water and soil quality (criteria 9 in the assessment) highlighting it in red and stating the following in the supporting commentary: *“The potential air quality issue identified above, the presence of a surface water Nitrate Vulnerable Zone 3 as well as loss of Grade 3a agricultural land means that there is the potential for a major negative effect against SA Objective 9.”*
- However, having read through both the Consultation Document and other reports published by WDC to support the consultation we cannot find any further information that details how WDC intend to mitigate the ‘potential for a major negative effect’ that has highlighted in its assessment.
- The Consultation Document acknowledges the issue of the site being on a Nitrate Vulnerable Zone 3 under criteria 7 ‘Contamination and other constraints’, but has provided no further guidance on what the realistic contamination risk is. Furthermore, having acknowledged that there will be a loss of Grade 3a agricultural land under the criteria 8 ‘Agricultural land quality’, the document provides no further information on how this will be mitigated either.
- Consequently the CMRA contends that on the basis of the available documentation the proposed site is not suitable because issues relating to air, water and soil quality’ have been identified as a serious potential issue by WDC with no plans for mitigation in place.

5. Living conditions for residents (cont...)

Noise pollution

- The NPPF states that planning authorities should “*prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.*”
- Paragraph 3.18 of GPG states “*When considering sites adjacent to main roads, flyovers and railway lines, careful regard must be given to: The health and safety of children and others who will live on the site; and the greater noise transference through the walls of trailers and caravans than through the walls of conventional housing, and the need for design measures (for instance noise barriers) to abate the impact on quality of life and health.*”
- The noise of the M40 is well known to Chase Meadow residents. It can be heard loud and clear at all times of the day, especially during wet weather. The Proposed Site is considerably closer to the M40 than even the extreme edges of the Chase Meadow estate so the noise will be intensified.
- This problem is all the more important due to the high density of children likely to be on site, living in homes more susceptible to noise pollution.
- WDC have commissioned a report entitled ‘Environmental Noise Assessment for planning purposes’, by Roger Braithwaite dated July/August 2014.
- The introduction to this report explains that the request from WDC demanded an urgent report and as a result compromises had to be made to meet the short deadline. Such compromises include having to limit readings at certain points on the Proposed Site to 4 hours instead of the usual 24 hours, and omission of “*extensive discussion on the relevance of the results*”, which the author stated he would usually include but couldn’t due to time.
- Paragraph 2.2 of the report states that “*ideally measurements should be taken which are representative of the nearest noise sensitive façade on a day and at a time when environmental noise would be at its worst*”. However Paragraph 2.5 noted that during the time of sound recording “*conditions were excellent with some light winds and no precipitation at all*”. We, therefore, do not believe that the noise assessment can have captured the environmental noise at the Proposed Site at its worst (which is during wet weather due to increased tire noise on the M40), especially as recordings were limited in time, and therefore WDC cannot have the information it needs to take into consideration the full extent of the noise problem that would face potential residents of the site.

5. Living conditions for residents (cont...)

Noise pollution (cont...)

- The author of the report uses PPG 24 (Planning Policy Guidance 24: Planning and Noise) to measure each site against. The results for the Proposed Site included measurements in both Categories B and C of the PPG 24 Noise Exposure Categories (Category C was recorded at night), and the report noted:
 - *“Category B Advice: Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.”*
 - *“Category C Advice: Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.”*
- The PPG 24 guidance is now out of date and CMRA requests that an updated noise assessment is carried out based on the current “BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings”, and not compromised by a rushed timeline, to properly assess the potential impact of noise on residents of the Proposed Site. This study should also take into account potential industrial noise from the adjacent proposed employment allocation which needs to be assessed holistically with the background road noise, as clearly suggested in the noted guidance.
- Therefore, based on the results of the noise assessment, the Proposed Site should not be considered appropriate by WDC as it suffers from unacceptable noise pollution and the health and well-being of potential residents would be put at risk, based on evidence gathered in an independent survey. However, we believe the study needs repeating to avoid time-pressured compromises and utilise current, not out-dated, guidance.
- Before considering the Proposed Site, WDC should provide evidence that there are not alternative quieter sites. If it can provide such evidence, then noise mitigation works would be necessary before planning permission could be given - impacting the commercial viability of the site (estimated costs of mitigation unclear).

5. Living conditions for residents (cont...)

Health and Safety

- GPG Paragraph 3.3 states *“It is essential to ensure that the location of a site will provide a safe environment for the residents. Sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will obviously have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. All prospective site locations should be considered carefully before any decision is taken to proceed, to ensure that the health and safety of prospective residents are not at risk.”*
- In paragraph 3.18 the GPG goes on to state *“When considering sites adjacent to main roads, flyovers and railway lines, careful regard must be given to: The health and safety of children and others who will live on the site”*.
- The Proposed Site should be considered unacceptable from a safety point of view due to it being surrounded by: 1) a sewage works a few hundred yards to the North; 2) a river on its eastern edge 3) a busy motorway a few hundred yards to the South ; and 4) the busy A429 Stratford Road to its West.
- This local environment would make the site potentially very dangerous for children and mitigation in the form of barriers/fences/landscaping would presumably be required on all four sides. This, we believe, would give the site the feel of an isolated ‘secure compound’. This would appear to be completely at odds with GPG paragraph 4.12, which states that: *“More open boundaries may be used in residential areas so as to promote integration and inclusion with the surrounding community...balance needs to be struck between providing privacy and security for the site residents and avoiding a sense of enclosure through for example, the use of high metal railings.”*
- Paragraph 24 of the PPTS also notes that *“local planning authorities should attach weight to...not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community “*.
- It is difficult to see how this guidance can be followed at the Proposed Site given the significant health and safety risks located all around it.
- Therefore, the Proposed Site is completely unsuitable as it is located close to four major sources of Health & Safety risk, particularly for children, and therefore fails to comply with Government guidelines.

6. Impact on local economy

- In the Council's own Sustainability Assessment this section is graded as '?' and the supporting commentary states that *'the effect on the economy is uncertain at this stage'*. Furthermore the Consultation Documentation makes no mention of the potential effect of the site on the local economy in its criteria at all.
- The CMRA is concerned that WDC appears to have shown such little interest in the potential effect of this proposed site on the local Warwick economy.
- The site would be broadly opposite the 'Tournament Fields' business park development. When this was first opened almost 10 years ago it was to be promoted as 'Warwickshire's Premier Business Park' with high hopes for what it would do for the long-term economic growth of the local Warwick economy.
- Currently Tournament Fields is still advertising '700,000 sq. ft available' and a significant portion of the site remains undeveloped.
- Siting a permanent Gypsy and Traveller site opposite this prestigious development is already generating a huge amount of local controversy and opposition and this sort of publicity will make it even more difficult to effectively market Tournament Fields to new businesses. Given that attracting new businesses has already proven difficult the new site could suppress potential demand still further.
- Furthermore, even if WDC do recommend proceeding with the site, the process of getting final planning approval via the Secretary of State could drag on for several months (if not longer) particularly given that appeals will inevitably be made by local residents to the Secretary of State to reject WDC's proposal.
- All of this controversy, negative publicity and uncertainty will greatly harm the Tournament Fields development and reduce the likelihood of it attracting new businesses to the Warwick area.
- The proposed development on STW's land for employment/commercial purposes would also, presumably, have reduced ability to attract new businesses to the Warwick area, but WDC seem to have paid no consideration to this impact.

Conclusion

- The Proposed Site is unsuitable as it will have a severe detrimental effect on one of Warwick's most important sites of local economic development. This is an important criteria for assessment that has been ignored by WDC.

7. Other tests of suitability

Impact on Longbridge Village

- Paragraph 12 of PPTS states *“When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.”*
- GPG Paragraph 3.9 states *“The site must be sustainable, offering scope to manage an integrated coexistence with the local community. This will include consideration of noise and possible disturbance to Gypsy and Travellers living on the site, and possible noise and disturbance to the wider community, in particular from movement of Gypsy and Traveller vehicles.”*
- The Proposed Site fails these two tests as a 15 pitch site would dominate the small collection of homes at Longbridge, which is the nearest settlement, particularly when you consider Paragraph 7.8 in the GPG which states *“In common with some other ethnic minority communities, some Gypsies and Travellers often have larger than average families, for instance where members of an extended family live together.”* The disturbance/noise from movement of large vehicles would be vastly different from the current quiet, narrow lane.

Greenfield site

Paragraph 24a of the PPTS states local planners should attach weight to *“effective use of previously developed brownfield), untidy or derelict land”* .

The Proposed Site does not comply with this guidance as it is currently green fields.

Agricultural land

- Paragraph 112 of the NPPF requires local authorities to take into account the economic and other benefits of the *“best and most versatile agricultural land”*. Annex 2 of the Framework defines best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification.
- The Proposed Site is graded as agricultural land Grade 3a. This is noted on the Sustainability Assessment, but no mention of the Government guidance to avoid using such land is made.

7. Other tests of suitability (cont...)

Site size (number of pitches)

- Paragraph 4.7 of the GPG explains that the maximum number of pitches on one site should be 15, to provide a *“comfortable environment which is easy to manage”*. Paragraph 10.5 of the same document states *“Gypsy and Traveller families often wish to have small compact and well-managed sites”*.
- WDC’s own Consultation Document (Sites for Gypsies and Travellers, Preferred Options for Sites, March 2014) noted that: *“Government advice suggested at the time of the consultation, that sites of between 5 and 15 pitches are the most appropriate size for successful management. Since then, the advice has been amended and the lower end of this scale is now recommended. This will mean a larger number of small sites...”*
- WDC is therefore going against planning guidance and its own judgement when selecting the Proposed Site to hold 15 pitches. CMRA believe this is another indication that WDC is just trying to find any site that it believes it can force through approval of, to avoid de-railing its Local Plan, rather than trying to find the most suitable sites.

Longbridge Manor

- Accessing the site via the farm track off the lane off Stratford Road (as discussed earlier) would place the main entrance to the site next to a Grade 2 listed building (Longbridge Manor). However WDC’s consultation document makes no reference to the possibility of the site being accessed via a route next to a listed building simply stating against criteria 3 Historical Designation *‘None’*.
- If it is a possibility that the main entrance to the site is going to be opposite a Grade 2 listed building then WDC should have flagged this up for the benefit of local residents in the Consultation Document and WDC need to address how they will ensure impact on the Grade 2 listed building is minimised.

8. Consultation process

- Paragraph 6a of PPTS states that local planning authorities should: *“pay particular attention to early and effective community engagement with both settled and traveller communities”*. We believe that WDC have run a flawed public consultation process, for the reasons set out below, that cannot be considered early or effective and therefore does not comply with the PPTS guidance.

Available information

- Having read through the consultation documentation referred to above and all the other supporting documentation provided by WDC, CMRA would like to make a general observation about the lack of detailed information provided by them. In a number of fundamental areas the consultation document has simply provided no information whatsoever that local residents could use in determining the suitability of the proposed site (for example the impact on local economy), and in other areas the WDC has alluded to further updates and reports that have not subsequently been published during the term of the 6-week consultation (for example expected guidance in relation to suitability of site access).
- This we believe is symptomatic of what appears to be WDC’s main motive in recommending the Proposed Site, which appears to have been a desire to quickly eliminate the permanent pitch shortfall that its previous public consultation (which had considered over 20 separate sites) had left them with. This has led to the current consultation being launched into far too quickly and without the proper level of detailed information being available to make an evidence-based assessment of the site in terms of either its viability or suitability.
- The Proposed Site went from not even being on the short list in early 2014 to being one of the three ‘preferred options’ in this final round of consultation within a single round of communication to the public. This does not reflect a transparent, logical and democratic process and has not allowed either the WDC to prepare and communicate sufficient information to the public and has not allowed the public sufficient time to become aware and gather/digest/act upon the available (albeit limited) information.
- The information that has been made available by WDC was, until mid way through the consultation period, only accessible via a prolonged trawl through various links on the website. It was stored on a page along with many other reports and documents that did not relate to the issue at hand and given titles that were not immediately self explanatory. This did not constitute effective communication or consultation.
- Limited publicity of the consultation period resulted in many local residents being completely unaware of the issue, until local volunteers produce and delivered flyers to local homes to raise awareness.

8. Consultation process (cont...)

Public interface

- Two drop in sessions were held during the consultation period, both ending at 18:30pm. This precluded most working residents from attending. Feedback from residents was that the limited number of WDC representatives present meant there were long queues and time with the officers in attendance was severely limited.
- The drop-in sessions were made furthermore ineffective by the representatives of WDC having limited knowledge of the specific issue and providing attendees with incorrect and misleading information.
- When this was raised with Lorna Coldicott, a senior planner at WDC, her reply was as follows: *“This response was given by an officer who was helping out from the housing department and although he has a good understanding of the position the Council is in with regard to Gypsy and Traveller accommodation, his knowledge of this particular site is perhaps less than that of the planning staff involved. I therefore apologise for you receiving information which he thought to be correct, but was in fact erroneous on this occasion.”*
- Due to the lack of information published by WDC and the inconvenient and ineffective public interface WDC were providing, CMRA arranged a public meeting at Aylesford School, Warwick on the 4th December starting at 7:30pm. The purpose of this meeting was to provide interested parties with information related to WDC’s proposal, that we believed was not being effectively made available and therefore was resulting in a flawed consultation process.
- This meeting was attended by Chris White MP and WDC Councillors, but the WDC executive refused to send any representatives.
- The above level and quality of public interface to enable a positive and effective consultation period was, therefore, at odds with guidance published in the GPG. Case Study 7 refers to a consultation process undertaken by Southampton City Council in relation to a proposed 6-pitch gypsy and traveller site. The consultation included a letter to local residents, full consultation cabinet meetings that were open to the public at which local community representatives were allowed to speak, a public information day that consisted of two drop-in sessions on a Saturday between the hours of 9am and 4pm and a public meeting with 450 attendees at which a series of question and answers sheets were handed out to address common issues/concerns. The GPG states that *“The consultation process demonstrated that the council was prepared to listen to the views of local people and devote resources to addressing concerns raised.”*
- WDC has not provided anything like this level of quality consultation, has not been prepared to listen to the views of local people at a public meeting and has not devoted sufficient or appropriate resources.

8. Consultation process (cont...)

Consultation process benchmarking

- We believe that the consultation and communication process undertaken by WDC has been wholly inadequate and directly echoes some of the failings seen in the Bolsover District Council Local Plan process that was ultimately withdrawn following review by the Secretary of State. Agenda item 11 of the 28th May 2014 Bolsover District Council meeting explains the following findings of the Secretary of State's inspector:

- *“The Inspector considers that the submission Sustainability Assessment (SA) does not clearly set out the reasons for the selection of the Plan's proposals and the outline reasons why the other reasonable alternatives were not chosen during preparation, which is contrary to legal requirements. He states that without this information people would be denied the opportunity to understand and make representations on the foundational bases of the Plan. In this case it does not seem possible for consultees to know from the submitted SA what were the reasons for rejecting some reasonable alternatives, or the reasons for the selection of the various policies and proposals in the Plan without going on a paper chase through other older Council documents.”*

The Sustainability Assessment prepared for this round of consultation does not clearly set out reasons for selecting the Proposed Site as a preferred option and does not clearly set out reasons for de-selecting other sites, therefore should be considered inadequate.

- *“The Inspector advises that the Plan as submitted is not sound because it is not positively prepared to meet objectively assessed requirements for gypsies, travellers and travelling show people, it is not justified by evidence, it is not effective, and it is not consistent with national policy.”*

We have provided countless examples of how the Proposed Site does not take into consideration the requirements for gypsies and travellers (noise, access, flood risks, proximity to sewage works to name a few) and have provided countless examples of deviation from national policies and planning guidance. CMRA believes that, on this basis, a WDC Local Plan submitted with the Proposed Site included following the flawed consultation process that has been undertaken would also be rejected by the Secretary of State's inspectors.

8. Consultation process (cont...)

Confusing criteria

- The criteria being used by WDC to assess sites was also very confusing and did not allow for a like-for-like comparison across different sites. The Consultation Document dated March 2014 included two sets of criteria (totalling 10 and 19 respectively), the Consultation Document dated October 2014 used just one list of 19 criteria and the Sustainability Assessment dated October 2014 used 16 specific criteria referred to in the document as 'objectives'.
- CMRA was concerned and confused by the fact that certain key criteria from the October 2014 Sustainability Assessment have simply not been mentioned in the October 2014 Consultation Document. This includes a number of criteria in the Sustainability Assessment that had indicated potential problems or issues with the proposed site that called into question its overall suitability.
- Furthermore, the official Representation Form that WDC have published for local residents to use if they wished to register an objection against (or indeed support for) the Proposed Site, had the number of criteria reduced to just 5 and the form itself stated the following: *"Please set out full details of your objection or representation of support with reference to the criteria above"* i.e. only the 5 criteria detailed on the form. In only providing these 5 specific criteria WDC have omitted (conveniently) all of the other criteria they have previously used that have flagged-up potential problems or issues with the site.

Conclusion

- CMRA feels that the credibility of the public consultation has been seriously undermined and has not been of sufficient quality or rigour to meet the statutory requirements for such an exercise and, has been done in too short a time period.

Appendix 1

Letter from Severn Trent Water



Severn Trent Water

Severn Trent Centre
PO Box 5309
Coventry
CV3 9FH

Tel
Fax
www.severntrent.com
www.stwater.co.uk

11 September 2014

Mr Pat Burrows
Chase Meadows Resident

Dear Mr Burrows

RE: Proposed Traveller Site at Stratford Road, Warwick

Thank you for your letter dated 04th September 2014 addressed to Corporate Responsibility, Severn Trent mailing box, which has been passed to me for my attention.

To give you a bit of background as to how STW has become involved in this issue it may be helpful for you to know that originally our consultants advocated, when Warwick's draft Local Plan was issued, that we should consider promoting our land for future employment use. Warwick District Council subsequently agreed the sites suitability and encouraged us to promote the land through the Local Plan process. As owners of land at Stratford Road themselves, the Council and another local land owner included their land as part of joint promotion process.

However, to our complete surprise WDC have subsequently informed us that they wish to see part of the future employment development set aside to accommodate a Traveller site.

I can confirm that STW has not agreed with the Council to provide any land to facilitate such a use and furthermore we have not committed to resign the Cordon Sanitaire to enable the Council to use their own land for such a use.

We will in fact be making formal representations to the Council at the appropriate time stating that we believe this to be a wholly inappropriate use to have alongside a high quality employment development and that only uses consistent with a high quality office environment should be considered.

I trust that the above is helpful to you.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Ted Pearce', written over a horizontal line.

Ted Pearce
Director of Property Services
Ted.pearce@severntrent.co.uk

Appendix 2

HCA figures: average cost per pitch

Extract from: <http://www.homesandcommunities.co.uk/ourwork/traveller-pitch-funding>
HCA Traveller Pitch Funding new supply

Bidder	Operating Area	Local authority	HCA funding	New/add'l pitches
Cambridge City Co	East and South East	Cambridge	£500,000	10
Surrey County Cou	East and South East	Guildford Borough C	£432,000	5
Home Space (HSS	East and South East	Basildon	£1,020,000	15
Kent County Count	East and South East	Tonbridge and Mallin	£549,093	8
Orwell Housing As	East and South East	Waverley DC	£353,432	4
Otterwood Kennels	East and South East	Breckling District Co	£498,000	8
South Cambridges	East and South East	South Cambridgeshir	£137,982	2
Town and Country	East and South East	Maldstone	£1,362,000	15
West Sussex Coun	East and South East	Mid Sussex	£400,000	10
West Sussex Coun	East and South East	Chichester	£630,000	9
Bedford BC	Midlands	Bedford	£358,350	4
Bedford BC	Midlands	Bedford	£895,875	10
Bedford BC	Midlands	Bedford	£358,350	4
Framework	Midlands	Harborough	£440,000	5
Framework	Midlands	Leicester	£1,305,000	15
Framework	Midlands	North West Leicester	£1,275,000	15
Leicester City Cou	Midlands	Leicester	£1,468,075	21
Matrix	Midlands	Solihull	£695,000	11
Rugby Borough Co	Midlands	Rugby BC	£306,000	6
Shropshire Council	Midlands	Shropshire	£1,197,220	24
Shropshire Council	Midlands	Shropshire	£795,729	16
Shropshire Council	Midlands	Shropshire	£580,475	12
Telford & Wrekin	Midlands	Telford & Wrekin	£1,734,558	25
Worcester County	Midlands	Wychavon DC	£150,000	2
City of York	North East, Yorkshire &	City of York	£423,500	6
Darlington Borough	North East, Yorkshire &	Darlington	£1,800,000	20
Doncaster MBC	North East, Yorkshire &	Doncaster	£360,000	4
Doncaster MBC	North East, Yorkshire &	Doncaster	£1,080,000	12
Durham County Co	North East, Yorkshire &	County Durham	£866,156	13
Durham County Co	North East, Yorkshire &	County Durham	£1,031,350	19
Durham County Co	North East, Yorkshire &	County Durham	£903,411	19
Durham County Co	North East, Yorkshire &	County Durham	£1,370,222	25
East Riding of York	North East, Yorkshire &	East Riding	£83,190	1
Leeds City Council	North East, Yorkshire &	Leeds	£1,074,000	12
Northumberland C	North East, Yorkshire &	Northumberland	£185,520	5
Redcar and Cleve	North East, Yorkshire &	Redcar and Cleveland	£860,004	18
Ryedale District	Co North East, Yorkshire &	Ryedale	£626,500	7
Selby District Cou	North East, Yorkshire &	Selby District Council	£752,000	15
Halton Borough	Co North West	Halton Borough Cou	£848,856	12
Home Space (HSS	North West	Cumbria	£186,760	7
Plus Dane	North West	Cheshire West and C	£1,620,000	18
Plus Dane	North West	Cheshire West and C	£900,000	12
Sefton Borough	Co North West	Sefton Borough Cou	£84,884	4
Bath and North	East South and South West	Bath and North East	£750,000	14
Cornwall Housing	L South and South West	Cornwall	£208,070	5
Cornwall Housing	L South and South West	Cornwall	£499,368	12
Cornwall Housing	L South and South West	Cornwall	£457,754	11
Cornwall Housing	L South and South West	Cornwall	£83,248	2
Elim Housing	South and South West	North Somerset Cou	£2,102,500	24
Mendip District Co	South and South West	Mendip District Cou	£200,000	30
North Somerset	Co South and South West	North Somerset	£62,571	2
Plymouth City Cou	South and South West	Plymouth	£790,000	16
Plymouth City Cou	South and South West	Plymouth City Cou	£1,066,072	13
Teignbridge	South and South West	Teignbridge	£1,350,000	15
Wiltshire Council	South and South West	Wiltshire	£164,299	2
Wiltshire Council	South and South West	Wiltshire	£616,593	8
Wiltshire Council	South and South West	Wiltshire	£4,419,000	50
Wokingham BC	South and South West	Wokingham	£115,000	4
Windsor and Maide	South and South West	Windsor and Maiden	£350,000	10
Average			£45,732,967	703
				£65,054,01

Appendix 3

DFT – Stratford Road traffic stats

AADYear	Road	StartJunction	EndJunction	PedalCycles	Motorcycles	CarsTaxis	BusesCoaches	LightGoodsVehicles	AllHGVs	AllMotorVehicles
2000	A429	M40	Alders Grove	26	33	8101	76	934	232	9376
2001	A429	M40	Alders Grove	23	37	8125	74	966	229	9431
2002	A429	M40	Alders Grove	25	37	8223	80	1043	236	9619
2003	A429	M40	Alders Grove	21	46	8297	83	1175	234	9835
2004	A429	M40	Alders Grove	20	47	8305	72	1185	239	9848
2005	A429	M40	Alders Grove	21	43	8297	72	1244	233	9889
2006	A429	M40	Alders Grove	20	37	8529	68	1305	236	10175
2007	A429	M40	Alders Grove	21	37	8307	74	1439	258	10115
2008	A429	M40	Alders Grove	21	37	8000	80	1439	249	9805
2009	A429	M40	Alders Grove	95	59	7332	105	835	176	8507
2010	A429	M40	Alders Grove	97	52	7192	109	859	179	8391
2011	A429	M40	Alders Grove	85	56	7214	113	909	182	8474
2012	A429	M40	Alders Grove	79	52	7012	111	954	185	8314
2013	A429	M40	Alders Grove	79	52	6882	102	1024	187	8247
			Average:	45	45	7844	87	1094	218	9288
Source:	http://api.dft.gov.uk/v2/trafficcounts/countpoint/id/77516.csv									
	Department for Transport official traffic count figures									