

OBJECTION TO LAND SOUTH OF STRATFORD ROAD, WARWICK AS A PREFERRED ALLOCATION FOR USE AS A GYPSY & TRAVELLER SITE

INTRODUCTION

Once again I find myself, for the third time in a year, obliged to respond to flawed planning proposals from Warwick District Council that threaten to blight the lives not only of many thousands of its own residents, but also of members of the gypsy and traveller community.

Consequently, these representations object to the allocation for Gypsy and Traveller use, of a 2 hectare site (hereinafter referred to as 'the site') for 15 permanent pitches with associated works and access road, as a Preferred Option in the document 'Gypsy and Traveller Preferred Options Consultation, Land at Stratford Road, Warwick' Warwick District Council, October 2014.

The site is adjacent to a larger area of 12 hectares proposed for employment/commercial use, and in close proximity to the river Avon, STW sewage works, the M40 and major residential areas, principally Chase Meadow estate. This is a large and still expanding residential development with a planned completion of 1,250 dwellings housing some 4,000 residents.

The representations conclude that the site is not suitable for such a use because the site **FAILS TO COMPLY** with 8 out of 10 of Warwick District Council's own primary site selection criteria (see Appendix 1) and also those set out in the three national planning documents listed below, and detailed in the rest of this submission. The Council criteria reflect the national guidelines. More general grounds for objection are also identified in relation to the Council's whole approach to the issue of Gypsy and Traveller sites.

National Planning Policy Framework DCLG March 2012. Referred to in this document as the 'Framework'.

Planning Policy for Travellers Site DCLG March 2012. Referred to in this document as the 'PPTS 2012'

Designing Gypsy and Traveller sites: Good Practice Guide. DCLG. May 2008. Referred to in this document as the 'Good Practice Guide'.

Throughout this submission, 'G & T' refers to Gypsy and Traveller; 'the District' refers to Warwick District; 'the Council' refers to Warwick District Council.

GROUNDINGS FOR OBJECTIONS (SITE SPECIFIC)

Safety Considerations

Council Criterion 2 – Avoiding areas with a high risk of flooding.

It is clear the site would not be safe, due to **high flooding risk and drowning risk to children.**

Chapter 3 of the Good Practice Guide sets out the criteria for site location/selection for permanent sites. Para. 3.3 states: *'It is essential 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.'*

Chapter 4, para. 4.20 further states: *'When designing the layout of a site, careful consideration must be given to the health and safety of residents, and in particular children, given the likelihood of a high density of children on the site.'*

More specifically, para. 3.21: *'...makes it clear 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).'*

Given the site's proximate location to the Avon and on its flood plain wholly within Flood Zone 3, the highest risk category, it is clear it **completely fails to comply** with any of the above safety considerations. Both the recent Council commissioned reports: 'Sustainability Addendum' and 'Technical Note: Fluvial Flooding' confirm this flooding risk and neither are definitive on the extent to which it can be effectively mitigated.

The site would not be a safe location due to the clear and present danger of drowning to residents, and particularly their children, due to its closeness to the river Avon. In 2012 a man and his child were drowned in the Avon only a mile downstream from the site.

Council Criterion 3 - Safe access to the road network and provision for parking, turning and servicing on site

Provision of a suitable access to the road network would be **costly** and there would be significant **safety issues** for residents both in accessing the A429 and crossing it to access local services – see also **Criterion 1**.

Chapters 3 and 4 of the Good Practice Guide are very specific about access requirements, and give high priority to safe and easy access to the road network, as the following paras. make clear:

'3.23 a key consideration is that residents can safely evacuate the site in response to flood warnings and that emergency services would be able to reach the site to ensure residents' safety.

4.25 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.

4.29 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.'

There are currently two access roads into the site area from the A429, the main one being owned by Severn Trent Water (STW), the other giving access to Home and Longbridge Farms. STW have already stated they would not allow their road to be used to access any future G & T site, whilst the farm access is single file and in poor condition. Hence, since this farm access would be the only route available into the site, it is clear it would require major widening and improvement, at significant cost, and even then would not fully meet the above stated national guidelines.

Moreover, accessing the site via the farm track route would place its entry point and junction with the A429 on a bend with limited visibility. There is already a high volume of traffic on the A429 at peak periods, and considerable turning movements from and into the Tournament Fields/Chase Meadow estates. The proposal would significantly increase this existing congestion through additional flows and turning movements, in particular of large, slow moving commercial vehicles, many towing caravans and/or trailers, and hence increase risks of road traffic collisions.

Finally, as the residents of the site as pedestrians, so especially children, would have to cross this busy A429 in order to access schools, shops, and other local facilities, it could not be considered a safe situation.

Health, Noise & Air Quality

Council Criterion 4 - Avoiding areas where there is the potential for noise and other disturbance.

The site's location would result in **unacceptable and unhealthy** living conditions for the residents.

Para. 11 of the PPTS 2012 sets out criteria for selecting suitable G & T sites. Section E of para. 11 states that Local Planning Authorities: 'should ensure their policies provide for proper consideration of the effect of local environmental quality such as noise and air quality on the health and wellbeing of any travellers that may locate there.'

The proposed location is close to the M40 motorway with a 2 way daily average flow of some 85,000 vehicles and thus would clearly fail this noise/air quality test. The Council cited the issue of noise as amongst reasons for rejecting 12 other possible G & T sites earlier this year and has acknowledged that caravans are more vulnerable to noise issues than standard housing. Moreover, on several of the rejected sites, potential noise sources are located much further away than would be the case at Stratford Road. Whatever noise mitigating measures were put in place on the site, their effectiveness would always be severely limited due to the close proximity to the motorway.

Access to Services and Provision of Utilities

Council Criterion 1 - Convenient access to a GP surgery, school, and public transport

Council Criterion 9 - Avoids placing undue pressure on local infrastructure and services

Access to local services would **neither be convenient nor safe**, and **would** put pressure on local services.

As already stated, residents of the site as pedestrians, so especially children, would have to cross the busy A429 in order to access schools, shops, and other local facilities, and hence this could not be considered a safe situation.

Furthermore, the local GP practice on Chase Meadow and both Newburgh Primary and Aylesford schools have no spare capacity, primarily due to existing and projected future demand from the resident populations of the Chase Meadow and Forbes Estates. An additional, 1,600 residents are projected in the former over the next 5 years. Moreover, in the case of the schools, the demand on teaching time and resources from the G & T community is likely to be disproportionately greater per pupil than from the settled community, due to the former's well documented special educational needs

Council Criterion 5 - Provision of utilities (running water, toilet facilities, waste disposal, etc)

Provision of the necessary utilities would incur **significant costs** and be likely to render the whole scheme **financially unviable**.

In addition to suitable access, paras. 3.13 to 3.15 of the Good Practice Guide set out the need for sites to be provided with mains water, electricity supply, drainage and sanitation. It goes on to

state that sewage for permanent sites should normally be through mains systems. Judged against these criteria the site is again clearly unsuitable in its present 'Greenfield' farmland state.

This last point leads on to the issue of the financial viability of the whole scheme. It is not at all clear where the considerable funds for provision of utilities, access improvements, and all the necessary mitigation measures (flooding, air quality, noise), let alone purchase of the actual land, will come from. Even the most cursory financial appraisal would indicate that the costs of development would likely be significantly higher than the 'end value' of a G & T site for 15 pitches.

A further and fundamental point is that it is understood that the landowner, Mr Webb, does not support the proposal, which begs the question, as to why the site is being recommended by the Council in the first place.

Environmental Considerations

Council Criterion 6 - Avoiding areas where there could be adverse impact on important features of the natural and historic environment

Council Criterion 7 - Sites which can be integrated into the landscape without harming the character of the area

A new large scale G & T site in this location would have significant **negative** environmental and visual impacts, thus **failing the above tests**.

Section 11 of the Framework deals with conserving and enhancing the natural environment. Para 109 states that: *'The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains in bio diversity where possible'*.

On a site which is clearly surrounded by flat open countryside, any new development could only impact negatively on the environment and its openness. In the case of a 2 hectare site of 15 permanent pitches, with at least 45/50 residents plus their associated vehicles and outbuildings, this would be of a scale and nature that would fundamentally degrade the landscape and its associated biodiversity.

Economic Impact

A prosperous and growing 'high wage, high skills' local economy is a key aim of the Council and underpins many of its plans and strategies. Similarly, national planning policy also seeks to support economic development and business growth as reflected in the Framework.

However the proposed site and its location would be likely to have a negative impact on the local economy.

This is partly because STW who own the 12 ha. site allocated for employment have stated they would not proceed with such development were the proposals for the adjacent G & T site to go ahead.

Apart from this, a large G & T site in this location would be likely to adversely affect the perceptions of key stakeholders, prospective businesses and investors of the nearby Tournament Fields Business Park, seen as a 'Flagship' scheme by the Council. Some ten years since its commencement, development and take up has already been much slower than anticipated, and the effect of this proposal is only likely to make this situation worse.

THE COUNCIL'S METHODOLOGY AND PROCESS

There are a number of issues relating to the methodology and process employed by the Council in bringing this whole agenda of permanent G & T sites forward which also provide further grounds for objection.

Assessment of Need

There have been **three** different assessments reported by the Council, of the need for permanent G & T pitches in the District during the last six years.

Such assessments have **varied widely** - in 2008 it was 11 pitches, in 2011 it had fallen to zero (demand for permanent site-based accommodation in the area is 'low and transitory in nature' and recommended provision of a transit site only), and in November 2012 it had risen to 31 pitches.

Given such large discrepancies, it is hard to place much confidence on the current figure of 31 pitches which underpins the Council's entire G & T strategy.

Furthermore, on the 17th January 2014 a written ministerial statement was issued by Local Government Minister Brandon Lewis: *'Moreover, ministers are considering the case for further improvements to both planning policy and practice guidance to strengthen Green Belt protection in this regard. We also want to consider the case for changes to the planning definition of 'travellers' to reflect whether it should only refer to those who actually travel and have a mobile or transitory lifestyle. We are open to representations on these matters and will be launching a consultation in due course.'*

All this brings into question the whole issue of whether or not **ANY** permanent G & T sites are required, and hence the prematurity of the Council's current approach, until the matter is properly resolved.

Consultation

The Council has carried out consultation over the last two years on all the various sites considered for possible G & T use, prior to any of them being selected as 'Preferred Options', and not only logical but as required by legislation. So the question must be asked – why has the Council selected this site as a 'Preferred Option' **with no prior consultation?**

A second question is - **what exactly** are local people now being consulted upon?

The consultation appears to relate just to a residential G & T site. The PPTS 2012 is binding planning policy guidance and directs that Local Planning Authorities should consider wherever possible including traveller sites *suitable for mixed residential and business uses*.

A mixed use G & T site would have a very different and probably even more negative impact on its surroundings and neighbours than a purely residential one.

Alternative G & T Sites

Green Belt

Paras. 14 and 15 of the PPTS deals with G & T sites in the Green Belt. It states that, like most forms of development, such a use would be inappropriate in the Green Belt and should not be approved except in very special circumstances. However, para. 15 of the PPTS **does** allow a Local Planning Authority: *'to make an exceptional limited alteration to the defined Green Belt boundary..... to accommodate a site inset within the Green Belt to meet a specific identified need for a traveller site. It should do only through the plan making process and not in response to a planning application. If land is removed from the Green Belt in this way it should be specifically allocated in the Development Plan as a traveller site only.'* Section 9 of the Framework on protecting Green Belt land also makes it clear the Local Plan is an opportunity to review its boundaries.

The Council still have the opportunity for a full review of the Green Belt throughout the whole District as part of the nascent Local Plan. The aim of such a review should be to **extend the area of search for suitable G & T sites** in sustainable locations by redefining and adjusting **the Green Belt boundaries** in the north of the District – some 80% of the total District area.

As it is, the Council have used a site search/selection process that prefers sites in the more developed southern 20% of the District which is not Green Belt, and close to the Warwick/Leamington urban area and its facilities. However this can be seen to be a fundamentally flawed, unbalanced and inequitable process in planning terms. Thus, the search area should encompass other sustainable District locations, including those within the Green Belt, the primary service villages of Bishops Tachbrook, Cubbington, Hampton Magna, Kingswood (Lapworth), Radford Semele and secondary service villages of Baginton, Burton Green, Hatton Park and Leek Wootton.

The Council propose a major residential site at Thickthorn on the south eastern edge of Kenilworth, despite the fact the site is Green Belt. This indicates the Council is both willing and able to adjust the Green Belt boundaries to accommodate new development where it considers it necessary. There is no reason why the same approach should not apply to potential G & T sites.

Other Locations

There is also scope to locate a G & T site within the proposed **major new development allocations** around Kenilworth, and south of Warwick/Leamington via a requirement for such a site in Development Briefs and which could be fully integrated within the urban extensions, e.g. the land north of Gallows Hill. Such Briefs would cover sustainable locations close to existing and proposed community facilities such as shops, schools, bus routes etc. All urban extension sites must be deliverable, available and viable otherwise the Council would not be proposing them. Whilst landowners and developers may prefer G & T sites to go elsewhere, their schemes are easily large enough to accommodate them.

Suitably located **Brownfield sites** within the major urban areas should also be considered e.g. the Opus 40 site in Warwick currently proposed for re-allocation as residential use.

Site Selection Criteria

The Council should **urgently review** their site search and selection strategy and concentrate on sites in the areas outlined above that would fulfil the following key criteria:

- Are genuinely deliverable and available now, i.e. a willing land owner wishes to promote the site. Candidate sites should be tested for viability.
- Sites not on best and most versatile agricultural land
- Sites that would be safe and offer good and healthy living conditions for the new residents

In doing so the Council should be very clear about the form and uses of the final developments proposed.

SUMMARY AND CONCLUSIONS

The proposed site is not a suitable site for a new Gypsy & Traveller site because:

- **It is neither deliverable, nor viable** as defined by the National Planning Policy Framework.
- The site and its access would **not be safe and would result in unacceptable living conditions** for the residents
- It would have **negative impacts** on the local economy.

Consequently it fails key local and national planning policy tests.

In addition, the Council's overall assessment of need for these sites is questionable, and this particular proposal has not been subject to proper consultation.

Finally, the Council's approach to Gypsy & Traveller site search and selection has been flawed.

In order to identify suitable alternative sites the Council should consider sites close to existing settlements in the Green Belt; the opportunity still remains to review the boundaries of the Green Belt. The Council should also vigorously pursue the option of locating at least one such site within the sustainable urban extensions proposed within the nascent Local Plan; at this stage they possess powerful leverage over the land owners and developers promoting those sites.

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APPENDIX 1

The Council's Ten Primary Selection Criteria for G & T Sites – April 2014

(as set out in 'Sites for Gypsies and Travellers', paras. 7.3 & 7.4, Warwick District Council, June 2013 and re-stated in 'Sites for Gypsies and Travellers, Preferred Options for Consultation Appendix 2, para. 6.1, Warwick District Council, April 2014)

- 1 Convenient access to a GP surgery, school, and public transport
- 2 Avoiding areas with a high risk of flooding
- 3 Safe access to the road network and provision for parking, turning and servicing on site
- 4 Avoiding areas where there is the potential for noise and other disturbance
- 5 Provision of utilities (running water, toilet facilities, waste disposal, etc)
- 6 Avoiding areas where there could be adverse impact on important features of the natural and historic environment
- 7 Sites which can be integrated into the landscape without harming the character of the area. Site development will accord with national guidance on site design and facility provision
- 8 Promotes peaceful and integrated co-existence between the site and the local community
- 9 Avoids placing undue pressure on local infrastructure and services
- 10 Reflects the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability