

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

31st March 2014

Our Ref: JMP/DRUMM/13/1275

Dear Sir/Madam

RE: CONSULTATION RESPONSE - WARWICK DISTRICT COUNCIL'S 'GYPSY AND TRAVELLER PREFERRED OPTIONS SITES' - OBJECTION TO SITE REF. GT04: LAND AT HARBURY LANE/FOSSE WAY ON BEHALF OF EC DRUMMOND (AGRICULTURE) LTD

We note with concern that some of the issues raised in our objection to Warwick District Council dated 15th July 2013 in respect of proposed Site Refs. GT03 and GT04 in the Gypsy and Traveller Site Options paper have not been included (or have been only selectively referenced) in the February 2014 Executive Report that preceded the Preferred Options Sites consultation document. Accordingly, we wish to restate and strengthen our objection to **Site Ref. GT04** at Harbury Lane/Fosse Way, which has now been coded as a suitable 'green' site in the Gypsy and Traveller Preferred Options for Sites, on the grounds that it would deliver residential development that is unsuitable for, incompatible with and inappropriate in its proposed location.

It should be emphasised that the overarching aim of CLG's 'Planning Policy for Traveller Sites' (March 2012) is to *"ensure fair and equal treatment for travellers"*. The guidance clearly states that the objective is to *"increase the number of traveller sites in **appropriate locations**"* and it remains our position that Site Ref. GT04 is in a wholly inappropriate location for any residential occupation (irrespective of whether it is for permanent housing or traveller accommodation), for all the reasons set out in our objection below. Accordingly, it is our view that permitting the permanent siting of pitches in this location would NOT deliver fair or equal treatment to Travellers residing at the site.

As detailed in our earlier objection, the allocation of Site GT04 as a Gypsy and Traveller site is in direct conflict with Paragraphs 3.3 and 3.6 to 3.12 of guidance contained within the Government's good practice guide: *'Designing Gypsy and Traveller Sites'* on selecting appropriate locations for sites. Paragraph 3.6 expressly states that *"**sites should not be identified for Gypsy and Traveller use in locations that are inappropriate for ordinary residential dwellings, unless exceptional circumstances apply. These circumstances would be where the location is unsuitable for housing, for practical and technical reasons which would not adversely affect the health and safety of Gypsy and Traveller residents or the sustainability of the site.**"* It is clear that the definition of 'exceptional circumstances' does not apply in this case.

The recently published national Planning Practice Guidance Suite (PPGS) which came into effect on 6th March 2014 supersedes a number of guidance documents. The PPGS provides useful planning guidance and is a material consideration in the assessment of planning applications. It is our contention that the proposed use of Site GT04 as a Gypsy and Traveller site is inconsistent with the guidance set out in the 'Noise' and 'Air Quality' sections of the PPGS and this discord is explored further in our comments below.

With reference to the criteria by which the Council will judge the suitability and sustainability of Gypsy and Traveller sites, it is our assertion that Site GT04 is wholly ***inappropriate, unsuitable, and unsustainable***, having particular regard to the following: a) Impact on the landscape character; and, b) Impact of land contamination, noise and other disturbance.

a) Impact on the landscape character

Site GT04 lies in open countryside situated between the settlements of Bishops Tachbrook and Harbury and is currently utilised as the Leamington Football Club home ground. The immediate and surrounding rural landscape is largely open in nature and, despite the existing boundary planting, there are sight lines into and out of the site from both distant and close views. As the site is not set within an existing residential or agricultural built form context, it is considered that the proposed use would have an adverse impact upon the character of the landscape, appearing as an incongruous feature in the countryside. Furthermore, as a result of the evident physical disconnect of the site from the edge of the built-up areas of the nearest settlements, it is our view that the remote location of the site will likely impede successful integration of the resident Gypsy and Traveller population within the local community.

b) Impact of land contamination, noise and other disturbance

The nearest development to Site GT04 includes Leamington Hall Farm adjacent to the northern boundary of the site, our client's poultry farmholding at Barnwell Farm on the opposite side of Harbury Lane to the south, and a mixed-trade industrial area to the west (the closest operator being Harbury Lane Breakers and Dismantlers Ltd).

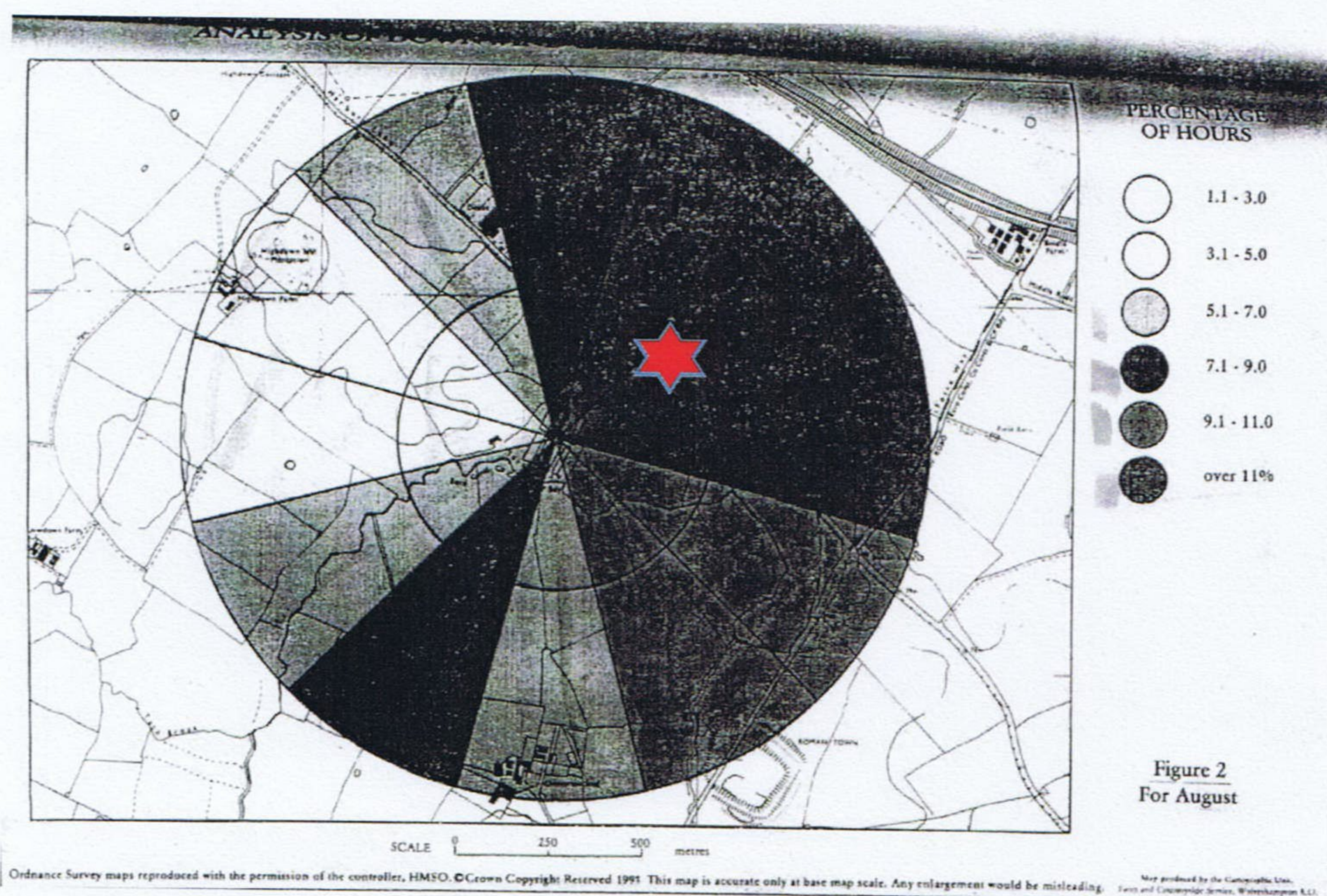
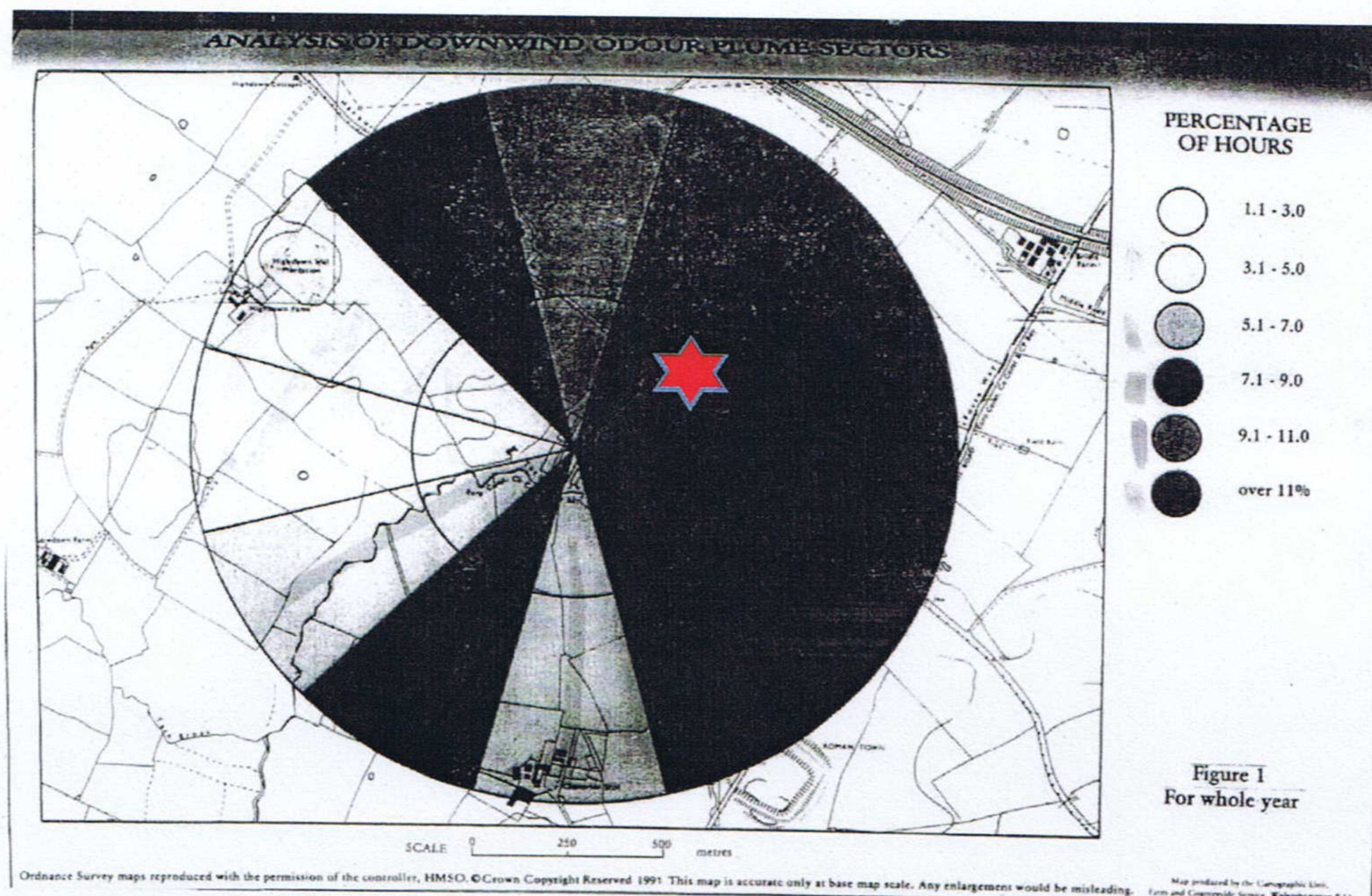
Odour impacts

We respectfully request that the Council should give full and careful consideration, in your assessment of the suitability of the site, to the environmental conditions that are generated by the operation of existing intensive poultry units at Barnwell Farm.

The background to the 1996 planning permission (Ref. W/96/1095) and commentary on the materials submitted in support of the application was detailed in our letter of 13th July 2013, however, we have restated the importance of the results of the odour assessment below, as the Council appears not to have assigned sufficient weight to the poultry farm odour impacts upon the residential amenity of potential occupiers of the proposed site.

The air quality assessment submitted as part of the 1996 application examined the impact of odour emissions from the poultry units on the air quality and the diagrams at Figure 1 below indicate the odours plume and downwind directional dispersal from the centre of the site for the whole year, as well as for August (when the potential for odour complaints are highest). The broad location of Site GT04 is marked with a red star for context and ease of reference.

Figure 1: Downwind Odour Plumes



The diagrams clearly illustrate that prevailing winds in the locality blow from the south/southwest, dispersing odour emissions from the poultry farm in a north/north-easterly direction towards and across Site GT04, thereby generating undesirable conditions for residential occupation in that location. It is also worth highlighting that the southern boundary of Site GT04 is less than **200 metres** from the nearest poultry unit at Barnwell Farm, therefore the impacts upon residential amenity and potential for odour complaints from the occupiers of the site is greatly increased.

With reference to the PPGS, the third bullet point of Paragraph 5 in the 'Air Quality' guidance clearly states that LPAs should consider whether the development would "**expose people to existing sources of air pollutants. This could be by building new homes, workplaces or other development in places with poor air quality.**" As the 1996 air quality assessment demonstrates, the odour emissions generated by the existing poultry units affects the air quality of the areas surrounding the site, with considerable effects upon the areas to the north-east of Barwell Farm where Site GT04 is proposed. Accordingly, it is considered that this area is not suitable for residential occupation.

Noise impacts

Harbury Lane Breakers and Dismantlers Ltd is a large reclamation and scrap vehicle breakers yard located only **400 metres** west of Site GT04. By the very nature of its operational activities, the yard is likely to generate noise (and potentially dust) pollution which will result in adverse effects on the residential amenity for the occupiers of the site. It should also be noted that the breaking yard operates seven days a week, further reinforcing the unsuitability of the site for residential occupation.

In addition to the breaking yard, the intensive poultry business at Barnwell Farm operates 'phased' cyclical processing which generates a high number of traffic movements (166 in total) per cycle. A summary of the traffic movements were included in our earlier objection, however, it is worth reiterating that traffic movements for each cycle is **unrestricted** and can take place at **any time of the day or night, 7 days a week**. As previously noted, the majority of movements take place during the night, which may give rise to residential amenity noise concerns at GT04 due to the site's proximity to Barnwell Farm. In addition to the vehicular noise, automated feed, heating and ventilation systems are in operation 24 hours a day which further increase potential noise disturbance.

With reference to the PPGS, the seventh bullet point of Paragraph 6 in the 'Noise' guidance states that LPAs should have regard to "**the potential effect on an existing business of a new residential development being located close to it should be carefully considered as the existing noise levels from the business may be regarded as unacceptable by the new residents and subject to enforcement action.**" Furthermore, bullet point 3 of Paragraph 123 in the overarching National Planning Policy Framework ('The Framework') highlights that "**existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.**"

The Council will appreciate that locating sensitive land uses (particularly residential) close to industrial uses and intensive livestock operations can give rise to conflict between those uses. Harbury Lane Breakers and Barnwell Farm are long-established enterprises that contribute positively to the rural economy and local community, however, the introduction of an inappropriate and incongruous use - such as that proposed - on the nearby Site GT04, is likely to generate odour and noise amenity conflicts which may impact upon the operation and future viability of those existing business.

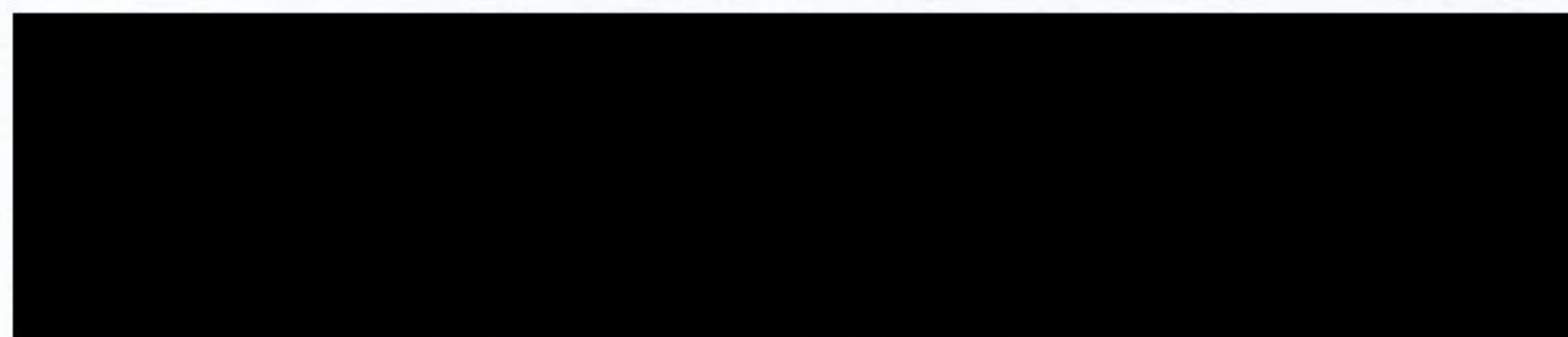
Summary and Conclusions

We maintain our view that Site GT04 is a wholly inappropriate location for the type of use proposed, with particular regard to the landscape character, rural context and potential loss of amenity due to proximity to existing industrial and intensive livestock farming uses. Further, it is our contention that the development of the site for residential occupation runs contrary to national policy and guidance and should, therefore, not be permitted.

There appear to be a number of other locations identified as suitable 'green' sites which are in more suitable, appropriate and sustainable locations, and which do not have the environmental considerations associated with Site GT04. For these reasons, we would respectfully submit that the Council should consider land off Harbury Lane/Fosse Way as an entirely unsuitable, inappropriate and unsustainable location for the proposed Gypsy and Traveller site.

Should you have any queries or require clarification in respect of the above objection, please do not hesitate to contact the writer.

Yours sincerely,



Jon Pope BSc (Hons) MSc MRTPI
Senior Planner