

Gypsy and Traveller Preferred Options Sites Response Form 2014

For Official Use Only

Ref:

Rep. Ref.

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

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

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

Part A - Personal Details

Title

First Name

Last Name

Job Title (where relevant)

Organisation (where relevant)

Address Line 1

Telephone number

Email address

Would you like to be made aware of other opportunities?

About You: Gender

Ethnic Origin

Age

Where did you hear about this?

Email notification.

Part B - Commenting on the Gypsy and Traveller Preferred Sites

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

representation Sheet of

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

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

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

Which site are you responding to?

GTalt12. Land to the west of the Barford Bypass

What is the nature of your representation? Support **Object** Comment

Please set out full details of your objection or representation of support with reference to the criteria above.

Please see attached sheets.

For Official Use Only

Ref:

Rep. Ref.

Part B - Commenting on the Gypsy and Traveller Preferred Sites

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

representation Sheet of

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

Please see attached sheets.

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

Please see attached sheets

For Official Use Only

Ref:

Rep. Ref.

Guidance on Making Representations

- Please use this response form as it will help the Council to keep accurate and consistent records of all the comments on the Plan, alternatively complete online at www.warwickdc.gov.uk/newlocalplan
- If you wish to make comments on more than one site, please use a separate copy of Part B of this form for each
- You may withdraw your objection at any time by writing to Warwick District Council, address below
- It is important that you include your name and address as anonymous forms cannot be accepted. If your address details change, please inform us in writing
- All forms should be received by **Midnight Monday 5 May 2014**
- Copies of all the objections and supporting representations will be made available for others to see at the Council's offices at Riverside House and online via the Council's e-consultation system. Please note that all comments are in the public domain and the Council cannot accept confidential objections. The information will be held on a database and used to assist with the preparation of the new plan for Gypsy and Traveller sites and with consideration of planning applications in accordance with the Data Protection Act 1998
- To return this form, please drop off at one of the locations below, or post to: **Development Policy Manager, Development Services, Warwick District Council, Riverside House, Milverton Hill, Leamington Spa, CV32 5QH** or email: newlocalplan@warwickdc.gov.uk

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

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

Location	Opening Times	
Warwick District Council Offices Riverside House, Milverton Hill, Royal Leamington Spa	Mon – Thurs Fri	8.45am – 5.15pm 8.45am – 4.45pm
Leamington Town Hall Parade, Royal Leamington Spa	Mon – Thurs Fri	8.45am – 5.15pm 8.45am – 4.45pm
Warwickshire Direct Whitnash Whitnash Library, Franklin Road, Whitnash	Mon – Tues Wed Thurs Fri Sat	10.30am – 5.00pm 1.30pm – 5.00pm Closed 10.30am – 4.00pm 10.30am – 1.30pm
Leamington Spa Library The Pump Rooms, Parade, Royal Leamington Spa	Mon – Weds Thurs Fri Sat Sun	9.30am – 6.00pm 10.00am – 7.00pm 9.30am – 6.00pm 9.30am – 4.30pm 12.00pm – 4.00pm
Warwickshire Direct Warwick Shire Hall, Market Square, Warwick	Mon – Thurs Fri Sat	8.00am – 5.30pm 8.00am – 5.00pm 9.00am – 4.00pm
Warwickshire Direct Kenilworth Kenilworth Library, Smalley Place, Kenilworth	Mon – Tues Wed Thurs – Fri Sat	9.00am – 5.30pm 10.30am – 5.30pm 9.00am – 5.30pm 9.00am – 1.00pm
Warwickshire Direct Lillington Lillington Library, Valley Road, Royal Leamington Spa	Mon Tues and Fri Weds Thurs Sat	9.30am – 12.30pm & 1.30pm – 6.00pm 9.30am – 12.30pm & 1.30pm – 5.30pm Closed 9.30am – 12.30pm & 1.30pm – 7.00pm 9.30am – 12.30pm
Brunswick Healthy Living Centre 98-100 Shrubland Street, Royal Leamington Spa	Mon – Fri	9.00am – 5.00pm

Objection to site GTalt12, land off Barford By-pass as an allocation for, and use as a Gypsy and Traveller Site.

GTalt12 Map



© Crown copyright and database rights (2013) Ordnance Survey 100018302
Scale: 1:10000

INTRODUCTION

1. These representations object to the allocation for Gypsy and Traveller use of site GTalt12a. The number of proposed pitches has not set out by the Council; however based on site size 8 pitches is assumed for the purposes of these representations. The site is identified as an 'Alternative Option in the document 'Sites for Gypsies and Travellers Preferred Options for Sites, Warwick District Council March 2014'.
2. The representations conclude that the site is not suitable for such a use because the site does not comply with Warwick DC's own criteria and those set out in DCLG Planning Policy for Traveller Sites, the NPPF and Designing Gypsy and Traveller Sites Good Practice Guide. Other sites and locations are better suited.
3. These representations audit the proposals against established national planning policy and conclude that a new traveller site to the south of Westham Lane and to the west of Barford is neither suitable nor compliant with:
 - 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'.

4. Warwick District Council is referred to in this document as the Council.
5. Para 1 of PPTS 2012 states: *This document sets out the government's Planning Policy for Traveller Sites. It should be read in conjunction with the National Planning Policy Framework. As Warwick District Council does not have an up-to-date Local Plan it is this document and the 'Framework' against which Warwick District Council's proposed policies for gypsies and traveller sites must be judged. The Good Practice Guide is also a material consideration as parts of that document deal with site selection criteria.*
6. Para 11 of the Framework sets out that planning law requires applications for Planning Permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Warwick District Council does not have an up to date Development Plan and therefore the proposals must be considered against the Framework and PPTS 2012.

GTalt12a is not a deliverable and available site.

7. Para 9 of the PPPTS 2012 states that Local Planning Authorities should in producing their Local Plan - our underlining: *'a) identify an update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets'*. The footnotes 7 and 8 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.*
8. The site at GTalt12 fails this fundamental test of being 'deliverable'. We are told by the freehold owner of site GTalt12, Mr Robin Ogg who also farms the land around our home that he has no intention of willingly selling the site or developing in his own right a site for travellers. On this ground alone the site should not be considered for a new traveller site.
9. Warwick District Council's Consultation Document states with regard to GTalt12 that *'The landowner is not willing to sell this site, so compulsory purchase powers would have to be used to bring the site forward'*. A threat of a CPO does not make a site available and deliverable now because:
10. The CPO process 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 GTalt12 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 is not available now.
11. Although CPO powers are strong, the local authority must be able to demonstrate that forcefully 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 a CPO for a new road such as the Barford Bypass would present a compelling case as the whole village benefits from traffic being diverted from the centre of village and 14,000 daily users of the Bypass benefit from shorter journey times. The same could not be said for the forceful state acquisition of a land from a private landowner and

then onward sale to a private third party landlord for the benefit of just 8 families. (The council say they do not intend to develop traveller sites themselves but expect a third party private party to carry out the project) Weighed against this benefit for just 8 families are the dis-benefits to the land owner and other parties affected by the new development.

12. Successful CPO's relate to a specific site that is needed for a specific and unique purpose. For example when the land for the Barford Bypass was acquired by CPO process it was only this specific land that could satisfy the requirements of the Barford Bypass; other land in the Warwick DC area would obviously not do. This is not the case with a new traveller site. The land to the south of Westham Lane is not the only land in the district that could satisfy the need for an 8 pitch traveller site –there are many many options some of which we set out in the 'Alternative Sites' section below. It is unrealistic of the Council to expect the Secretary of State to confirm a CPO process and forcefully acquire land from an unwilling land owner when it is clear that there are many alternative ways and sites to achieve the same ends. We cannot believe that site GTalt12 to the west of Barford is so unique that it is the only one that could satisfy the need in the district which would justify a CPO.

13. A CPO land acquisition strategy is high risk for the Council. As far as we have been able to research there have been no successful CPO cases in England for a new 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's CPO order for land at Combs Lane Finbrough. Ref LDN023/W3520/006/0002/001. Each case will be considered on its merits but in this instance the Sec of State concluded:

15. For all the reasons given by the Inspector (IR 95), the Secretary of State accepts that no compelling case in the public interest has been made to justify the confirmation of the Order.

16. The Secretary of State has carefully considered whether the purposes for which the Order was made sufficiently justify interfering with the human rights of the qualifying persons under section 12(2A) of the Acquisition of Land Act 1981 and he is not satisfied that such interference is justified. In particular he has considered the provisions of Article 1 of the First Protocol to the European Convention on Human Rights. In this respect the Secretary of State like the Inspector (IR 95) is not satisfied that the purpose for which the Acquiring Authority seeks the Order sufficiently justify interference with the objector's interests in the affected land. He has reached this conclusion for the reasons given above in relation to the lack of a compelling case in the public interest.

Decision

17. For all these reasons, the Secretary of State has decided to accept the Inspector's recommendation not to confirm The Mid Suffolk District Council (Land at Combs Lane, Great Finborough) Compulsory Purchase Order 2011.

14. A CPO process could also be very expensive exercise for the District Council bringing viability into question. The only comparable case we have been able to identify where costings are available is for a new ten pitch site in Brecon where the project cost was £1.75m confirmed in a letter dated 31 Oct 2013 from the Welsh Minister of Finance to the Chair of the Welsh Government Finance Committee - extract below:

For 2012-13, Powys Council submitted an application for funding towards a new Gypsy and Traveller site with ten pitches in Brecon. The proposed new site would be the first Gypsy and Traveller site to be built in Wales since 1997. The Welsh Government awarded Powys Council £1.75 million over two years from the Welsh Government's Gypsy and Traveller Capital Grants budget, of which £1 million was to be funded from the 2012-13 budget.

15. It would be a very risky and possibly expensive strategy for the council to rely on CPO's to deliver its traveller sites. The inspector at an EIP could consider such a strategy unsound as it does not guarantee delivery *now*.
16. Another important factor that the council seems not to have considered in relation to deliverability is viability. The Planning Policy for traveller sites states 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.'* This particular requirement for viability of site allocations is echoed in the Framework. The council do not appear to have produced any evidence that a site Gt12a would be viable. 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 8 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 £31.2k 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 traveller site of some £370k
 - We have used an agricultural land value of £18,000 per hectare assuming a land owner would sell at this figure with no premium.
 - The assumptions on costs are set out – they include the costs of hard surfacing for the access roads and hard standings, the 8 amenity buildings to include kitchens and bathrooms and allowances for storm and foul drainage landscaping and boundary treatments, and low estimates for bringing services to the site. (There are no mains services close to the site. GTalt12 would require an off line sewage treatment arrangement, a new sustainable urban drainage system which is not only expensive but land hungry on this small site, no water supplies, the nearest of which are in Wellesbourne Road Barford, no gas and no electricity)
 - We have added 8% for professional fees and a developer's margin of 10%.
 - This equates to a total cost of £700k or £87k per pitch. We have cross checked this cost with the HCA data available –see appendix 2. A simple analysis of this data shows an average pitch cost across some 60 schemes and 703 pitches of £65k. Using either figure there is a significant difference between end value and cost.

Barford proposed Traveller site. Summary appraisal.			
End value:			
	8 pitches at	£75.00	per week.
Annual income:		£31,200	per annum
Less 5% management charge		£1,560	
Net annual income		£29,640	
Capital value at an investment yield of	8%	£370,500	
Cost of development:			
Agricultural land value 1.8 ha at:	£18,500	£33,300	
Hard surfacing of 30% of the site for access road, hard standings, etc. say £52.00 per sq. m	5,400	£280,800	
Concrete edgings at £18.00 per linear metre	300	£5,400	
8 number amenity buildings to include kitchen and bathrooms. Say 40 sq. m at £650 per sq. m	£26,000	£208,000	
Fencing and landscaping and noise attenuation say		£25,000	
SUDs storm water drainage say:		£10,000	
Foul water treatment system say		£10,000	
Electricity, gas and water supplies to site:		£10,000	
New access to Westham Lane say		£7,500	
Safe pedestrian crossing to Barford Bypass	?	£0	
Professional fees of 8% on costs:		£47,200	
Developers profit of say 10% on costs:		£63,720	
Total Costs of development:		£700,920	
Average cost of pitch:		£87,615	
Funding / viability gap:		-£330,420	
Average costs of pitch from HCA figures:			
	£65,054.01		
Total costs using HCA figures:	£520,432.08		
Funding / viability gap:		-£149,932	

17. We don't claim the above to be totally accurate but 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 it were a viable proposition presumably the land owner would be interested in securing the allocation as it would result in an uplift in value.

18. A key consideration of any CPO inspector will be answering the question of where will funding come from to fund site purchase and servicing? It is unlikely that the private sector will fund the scheme. The Council have not indicated that they or the Homes and Community Agency have allocated any funding for the project. Indeed in public meetings the council officers have stated that the council does not intend to develop the site itself and that it expects the private sector to do so. Without a public sector funding commitment an inspector and the Secretary of State will not confirm the CPO; even supposing that the Inspector at the Examination in Public accepted the council's position and found the plan sound.

GTalt12 would not be safe site and would result in unacceptable living conditions for the residents.

19. A traveller site immediately adjacent to the Barford Bypass would not only be in a location that would result in unacceptable living conditions for the new residents but it would also be unsafe.
20. Para 11 of the PPTS 2012 sets out the criteria for selecting suitable sites. Section E of para 11 states that Local Planning Authorities should ensure that their policies: *e) 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 or on others as a result of new development.* A location next to the Barford Bypass a busy 60 MPH unrestricted road with 14,000 vehicles passing everyday would fail this noise test. This issue of noise was given by the council as one of the reasons reason for rejecting other possible sites (GT01, 07, 09, and 10,17,18,20, alt 04, alt 09, alt 17, alt 23, and alt 24). The Council's document acknowledges that caravans are more vulnerable to noise issues than standard housing. On several of the rejected sites the potential noise source is much further away than would be the case on site GTalt12. Criterion 4 in the Councils site selection methodology is '*avoiding areas where there is a potential for noise and disturbance*'. We understand that compensation –Part 1 Claims under the Land Compensation Act 1973 - was paid to some of the householders on the west side of Barford as a result of the Barford Bypass being built. The Bypass is much further away from these households than the proposed caravans, which are more susceptible to road noise. There would not be enough room on the site proposed to build an effective noise bund.
21. The 2008 Good Practice Guide is applicable and relevant to the Council's proposal to locate pitches within GTalt12. Para 1.4 of the Good Practice Guide 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 to illustrate different approaches.* The guidance is therefore helpful in understanding the criteria for that site selection. It is anticipated that good planning by the Council will follow the advice set out in the Good Practice Guide.
22. Chapter 3 of the Good Practice Guide sets out the criteria *for Site location/selection -permanent sites.* Para 3.3 states that *It is essential that the location of a site will provide a safe environment for the residents...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.*
23. It is not only a good practice guidance but common sense that a new traveller site be located in a safe location. Site GTalt12 would not be a safe location for a new site because:
24. All vehicles entering and leaving the site would have to use the Barford Bypass a 60MPH unrestricted road. Since its construction in 2006 the new Bypass has not proved to be a safe road. Notifiable accident statistics provided by the Warwickshire Road Safety Partnership show there have been 12 notifiable accidents since it opened including three 'severe' and one fatality in 2013. These 12 notifiable accidents resulted in 29 people being injured or killed. As we live in the immediate area we know of three other incidents involving car crashes that do not appear in the statistics as presumably the people involved decided not to report the accidents.

25. All accidents occurred on one of the three 'T' junctions to the Bypass. Fuller information in the Appendix 1 attached. Adding more traffic to the Bypass and its junctions especially some slow moving vehicles towing caravans will not ensure the safety of the new residents or the wider travelling public.



Barford Bypass frontage to GTalt12. Note no footpaths.

26. In some respects GTalt12 is a suitable location for a new traveller site due to its proximity to Barford's school and retail facilities. However in order to access these facilities all new residents would have to cross the 60 MPH Bypass. This would not be safe to cross especially for children attending the village primary school. Indeed since the Bypass opened in 2006 and we were severed from the village we stopped walking our children to school and drove them –perhaps adding to the traffic issue in the point above.
27. Thirdly there would be drowning dangers from locating a new traveller site within GTalt12 as it is directly adjacent the River Avon; the northern boundary of site is a very steep bank leading down to the river. In 2012 a Barford man and his child were drowned in the river. The new residents and especially their children would be subject to this risk.
28. Para 3.5 of the Good Practice Guide emphasises the need for visual and acoustic privacy. As the new site is proposed directly adjacent the Barford Bypass then clearly there are going to be problems for the new residents in terms of noise and poor amenity.
29. Para 3.6 of the Good Practice Guide 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. GTalt12 is not a suitable location for new housing development. It is detached from the village and in open countryside and the planning authority have a long record of refusing planning applications in Westham Lane for even a single new dwelling let alone eight new residences. There is no reason why a gypsy and traveller use should be discriminated against and be located away from facilities in open countryside.
30. Paras 3.13 to 3.15 of the Good Practice Guide set out that *it is essential that sites are provided with access to mains water, electricity supply, drainage and sanitation*. It goes on to say that

sewage for permanent sites should normally be through mains systems. Judged against these criteria site GTalt12 is again clearly unsuitable. West of the new Barford Bypass there are no mains foul sewers, no mains storm water facilities, no gas and no public water mains. (Public water mains terminate in Wellesbourne Road in Barford). Clearly a septic tank system could be used as is employed by the other residents in the Westham hamlet but the additional hydraulic load on the water table and potential pollution of the River Avon would need to be investigated thoroughly. Costs of providing mains water, gas and electricity would be high and bring in to doubt the financial viability of the site.

Economic Effects

31. There is a strong emphasis in the Framework on supporting the economy and encouraging prosperity and supporting businesses. Section 3 of the Framework is about supporting a prosperous rural economy. The proposal to locate a traveller site within GTalt12 would have the following local economic effects:

- We live at College House at the end of Westham Lane. Next to our house we rent out a holiday cottage to visitors and tourists to the Warwick and Stratford on Avon area. Our selling point is the quite tranquil rural location. It is difficult to precisely quantify but it is reasonable to assume that a traveller site nearby will have a detrimental effect on our business.
- The owners of Westham House which is converted into six or so apartments run a lettings business. Again difficult to quantify but it is reasonable to assume that the presence of a nearby traveller site could have a negative effect on this small business.
- There are two farms in Westham Lane: to the north of Westham Lane is that owned by Tym Morgan (the freehold owner of the site GT12 who runs an arable farm) whilst to the south the farm is a livestock based owned by Robin Ogg. Again difficult to precisely quantify the effects on these two businesses but the loss of land cannot be considered to be a good thing for Mr Ogg's business and the near presence of new residents with a higher than average number of children who if they are like our children like 'to wander and explore' can only have a negative effect on both farms. Negative effects could be encountered by Robin Ogg's of new dogs being located in the area causing problems for the sheep and cattle.

It would fail other planning policy tests.

32. Para 23 of the Planning Policy for Traveller Sites is very germane to the proposal to allocate part of GTalt12 for a site. Para 23 states that '*Local Planning Authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas in the Development Plan. Local Planning Authorities should ensure that sites in rural areas respect the scale of and do not dominate the nearest settled community and avoid placing an undue pressure on the local infrastructure.*' The site proposed for GTalt12 would be in direct contravention of this guidance because GTalt12 is in open countryside and it is separated from the main existing settlement of Barford, the envelope of which is clearly defined by the Bypass.

33. A new traveller site is a form of residential development and therefore the Framework's requirements in relation to the delivery of homes are relevant. GTalt12 would not be suitable

for normal residential development due to it being located in open countryside and there is no reason why the same planning criteria should not apply to traveller sites.

34. On site GTalt12 which is clearly in flat open countryside any new development could not be considered to positively enhance the environment and increase its openness. If new pitches are planned within GTalt12 then a significant development of some 1 hectare including permanent amenity buildings will certainly not increase the area's openness.
35. 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'. A new traveller site within the open countryside that comprises GTalt12 would be in contravention of this policy.
36. Para 12 of the PPTS 2012 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.* Clearly site GTalt12 is located in a rural location. It is to the west of the Barford Bypass and outside the settlement boundary of Barford. The nearest settled community is the small collection of dwellings along and at the end of Westham Lane. In total there are some five houses in the Westham 'hamlet' and some six flats within Westham House. This makes a total of 11 or so families. If GTalt12 were to go ahead with say eight pitches it is clear that the new residents could clearly dominate the nearest settled community which is the Westham hamlet. This issue is exacerbated by the acknowledged fact that traveller's families can be large and extended. Para 4.20 of the Good Practice Guide reads: *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...* and para 7.8 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.*
37. The Good Practice Guide sets out various requirements that GTalt12 would fail to satisfy:
 - *Safe access to the road network and provision for parking turning and servicing on site.* We set out above the accident record of the Barford Bypass which cannot be said to be a safe road. The addition of more vehicles and pedestrians would be unsafe. Not only will the new residents be at risk but also other road users.
 - *Avoiding areas where there is the potential for noise and other disturbance.* A location adjacent to the Barford Bypass would fail this test.
 - *Provision of utilities (running water, toilet facilities, waste disposal etc.).* As stated above there are no mains infrastructure to the west of the Barford Bypass.
 - *Sites which can be integrated into the landscape without harming the character of the area.* GTalt12 is in open flat countryside. We cannot see how a new traveller site could be satisfactorily incorporated into the flat open landscape without negative landscape and visual impacts.

- *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. Is the Council proposing a mixed use site including business uses?*

38. Para 3.7 of the Good practice Guide states that where possible sites should be developed near to housing for the settled community as part of mainstream residential development. It goes on to say that local authorities should consider gypsy and traveller sites as part of significant new build developments. We come back to this point later on where we recommend that better locations for traveller sites should be within the large new housing developments proposed to the south of Leamington and to the east of Kenilworth. Para 3.7 goes on to say that *'what is working (in Ireland) are small sites ... they are placed on proper positioned land bang within the middle of a settled community and they are working.'* Clearly a location within GTalt12 would not fit with this.

39. The development of a traveller site within GTalt12 would be total contrary to the rural area policies of the admittedly out of date Warwick District Council Local Plan, Barford Parish Plan and Barford village Design Statement. These policies aim to maintain the rural setting of the village and parish.

40. Being close to the River Avon there will be ecological issues to take account of. The River Avon is designated as an LWS and that otters have been recorded along this stretch of river.

41. On the 17th Jan 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.*

This brings into question the whole issue of whether or not permanent sites are required for travellers and begs the question about prematurity of the Council's proposals until the matter is resolved.

Issues and questions relating to the process and methodology employed by the Council.

42. What is the public being consulted upon? The consultation appears to relate just to residential sites for travellers. 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 having regard to the safety and amenity of the occupants and neighbouring residents. If the Council follows this policy, as it should, it is likely that the site could evolve into a mixed use site. There is a hint of this possibility in the consultation document which sets out the criteria against which sites should be assessed. Criterion 10 reads: *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.* A mixed use traveller site would have a very different and probably more negative impact on its

surroundings and neighbours than a purely residential one. If such a mixed use site is proposed then the council should say so in order that the public are aware of what they are being asked to comment upon. The Good Practice Guide (para 4.51) also recommends where possible including a paddock area for the keeping and grazing of ponies. Is this what is proposed at GTalt12?

43. It seems the advice in the Good Practice Guide set out in para 10.19 that *'Councils and other developers need to plan for the possibility of such opposition at an early stage in the development and provide accurate information to help overturn negative stereotypes and allay concerns.'* has not been followed. It is a shame that Warwick District Council in their consultation exercise have given no real indication of what the new facility might look like making responding on the public consultation difficult.

Alternative sites

44. Paras 14 and 15 of the PPTS deals with traveller sites in the Green Belt. It states that like most forms of development such a use would be inappropriate development in the Green Belt and should not be approved except in very special circumstances. Para 15 of the PPTS however does allow a Local Planning Authority *'to make an exceptional limited alteration to the defined Green Belt boundary which might be 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.'*
45. The council are currently preparing their Development Plan and thus have an opportunity for a full review of the Green Belt throughout the whole district. Section 9 of the Framework about protecting Green Belt land also makes it clear that the Local Plan is an opportunity to review the boundaries of the Green Belt. It is clear that the opportunity exists for Warwick District Council to extend its area of search for suitable sites in sustainable locations by redefining and tweaking the Green Belt boundaries in the north of the district– some 80% of the total district area.
46. The council have quite rightly used a site selection process that prefers sites close to existing larger settlements and their facilities. GTalt12 being close to Barford scores relatively highly in these respects. This leads us not to the conclusion that GTalt12 is a suitable site but to the conclusion that Warwick District Council's search for sites is flawed. The search area should have included other sustainable locations within the district including those within the Green Belt. These locations should have included the primary service villages of Bishops Tachbrook, Cubbington, Hampton Magna, Kingswood (Lapworth), Radford Semele and the secondary service villages, Baginton, Burton Green, Hatton Park and Leek Wootton.
47. The council propose a major residential site at Thickthorn on the south eastern edge of Kenilworth. Currently the site is Green Belt and indicates that the local authority is willing and able to adjust the Green Belt boundaries to accommodate new development. Clearly the same could apply for a new traveller site.
48. Most importantly the primary area of search should include incorporating the proposed traveller site within one or more of the major development sites on the edge of the urban areas of

Leamington, Warwick or Kenilworth. The Council is currently preparing their Local Plan. This is relevant to identifying potential sites for travellers. A key issue in the Local Plan will be identifying sites and areas for residential development throughout the district.

49. Some of the new traveller sites would be best be located within the proposed major new development areas around Kenilworth, Warwick and Leamington. The opportunity exists to include a requirement for a new gypsy and traveller site or sites within the SPD development briefs for each of those major development areas. By comprehensive masterplanning there is an ideal opportunity to fully integrate the new facilities properly within the urban extensions. These are all in 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 have put them forward. The landowners and developers may prefer the traveller sites to go elsewhere but their schemes are easily large enough to take the new site(s). The consultation booklet on page 12 refers to discussions with developers and yet no site is allowed for in the consultation exercise.

50. The council should review their site selection strategy and concentrate on sites that would fulfil the following main 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 living conditions for the new residents

In doing so the council should be less opaque about the form and uses of the final developments proposed

51. From a cursory review of the Council's information it would seem that the current sites that may meet the relevant criteria would be: GT04, GT15, GT19, GTalt01, GT11 and GTalt3. However as well as these sites the Council should consider its options under a green Belt Review and most importantly including a requirement that space be set aside in the proposed sustainable urban extensions.

Conclusions

52. The proposed site to the west of the Barford Bypass is not a suitable site for a new traveller site because:

- It is not deliverable as defined by the Framework. It is neither available nor viable.
- GTalt12 would not be a safe site and would result in unacceptable living conditions for the residents.
- It would have local negative economic effects.
- It would fail other planning policy tests.

In their search for sites the council should consider sites close to existing sustainable settlements in the Green Belt as they have an opportunity now to review the boundaries of the Green Belt. They should also pursue rigorously the option of locating the new traveller sites within the sustainable

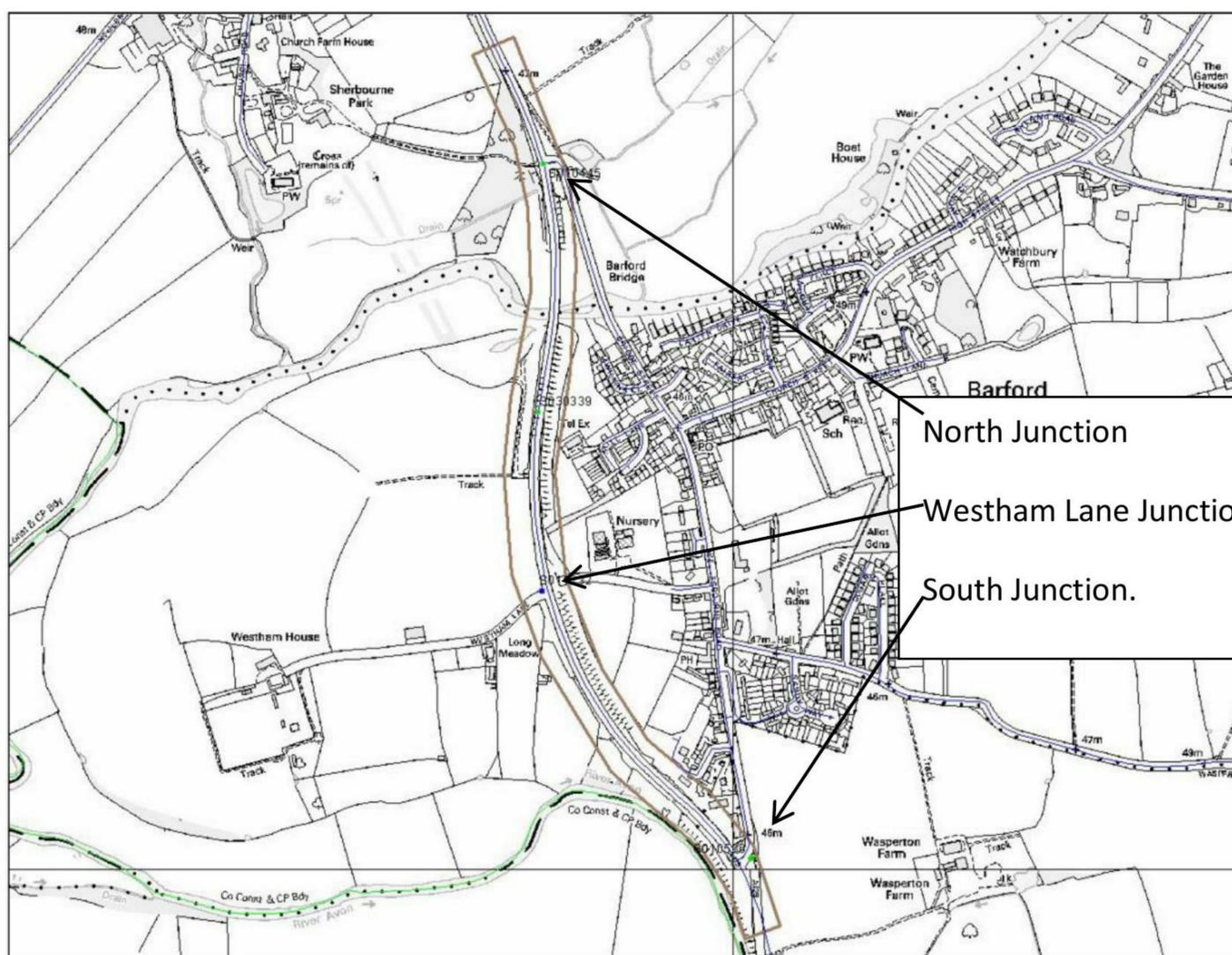
urban extensions proposed within the emerging local plan; at this stage they have powerful leverage over the land owners and developers promoting those sites.

Appendix 1.

Accident Data for the Barford Bypass since opening in 2006.

Information provided by the WCC Road Safety Intelligence Team on 18/5/11, 5/6/13 and 24/3/14

**Reported Injury Accidents for
A429 Barford Bypass, Jan 2006 to present**



All Road Users				
	Slight	Serious	Fatal	Total
2006	0	0	0	0
2007	3	1	0	4
2008	2	0	0	2
2009	0	0	0	0
2010	0	0	0	0
2011	1	2	0	3
2012	2	0	0	2
2013	0	0	1	1
Total	8	3	1	12
	14,000 daily trips.			

Appendix 2. HCA figures on grants allocated traveller sites.

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	£50,000.00
Surrey County Cou	East and South East	Guildford Borough C	£432,000	5	£86,400.00
Home Space (HSS	East and South East	Basildon	£1,020,000	15	£68,000.00
Kent County Coun	East and South East	Tonbridge and Mallin	£549,093	8	£68,636.63
Orwell Housing Ass	East and South East	Waveney DC	£353,432	4	£88,358.00
Otterwood Kennels	East and South East	Breckland District Co	£498,000	8	£62,250.00
South Cambridgesh	East and South East	South Cambridgeshir	£137,982	2	£68,991.00
Town and Country	East and South East	Maidstone	£1,362,000	15	£90,800.00
West Sussex Coun	East and South East	Mid Sussex	£400,000	10	£40,000.00
West Sussex Coun	East and South East	Chichester	£630,000	9	£70,000.00
Bedford BC	Midlands	Bedford	£358,350	4	£89,587.50
Bedford BC	Midlands	Bedford	£895,875	10	£89,587.50
Bedford BC	Midlands	Bedford	£358,350	4	£89,587.50
Framework	Midlands	Harborough	£440,000	5	£88,000.00
Framework	Midlands	Leicester	£1,305,000	15	£87,000.00
Framework	Midlands	North West Leicester	£1,275,000	15	£85,000.00
Leicester City Cour	Midlands	Leicester	£1,468,075	21	£69,908.33
Matrix	Midlands	Solihull	£695,000	11	£63,181.82
Rugby Borough Co	Midlands	Rugby BC	£306,000	6	£51,000.00
Shropshire Council	Midlands	Shropshire	£1,197,220	24	£49,884.17
Shropshire Council	Midlands	Shropshire	£795,729	16	£49,733.06
Shropshire Council	Midlands	Shropshire	£580,475	12	£48,372.92
Telford & Wrekin C	Midlands	Telford & Wrekin	£1,734,558	25	£69,382.32
Worcester County (Midlands	Wychavon DC	£150,000	2	£75,000.00
City of York	North East, Yorkshire &	City of York	£423,500	6	£70,583.33
Darlington Borough	North East, Yorkshire &	Darlington	£1,800,000	20	£90,000.00
Doncaster MBC	North East, Yorkshire &	Doncaster	£360,000	4	£90,000.00
Doncaster MBC	North East, Yorkshire &	Doncaster	£1,080,000	12	£90,000.00
Durham County Co	North East, Yorkshire &	County Durham	£866,156	13	£66,627.38
Durham County Co	North East, Yorkshire &	County Durham	£1,031,350	19	£54,281.58
Durham County Co	North East, Yorkshire &	County Durham	£903,411	19	£47,547.95
Durham County Co	North East, Yorkshire &	County Durham	£1,370,222	25	£54,808.88
East Riding of York	North East, Yorkshire &	East Riding	£83,190	1	£83,190.00
Leeds City Council	North East, Yorkshire &	Leeds	£1,074,000	12	£89,500.00
Northumberland Cc	North East, Yorkshire &	Northumberland	£185,520	5	£37,104.00
Redcar and Clevel	North East, Yorkshire &	Redcar and Clevelan	£860,004	18	£47,778.00
Ryedale District Co	North East, Yorkshire &	Ryedale	£626,500	7	£89,500.00
Selby District Coun	North East, Yorkshire &	Selby District Counci	£752,000	15	£50,133.33
Halton Borough Co	North West	Halton Borough Cour	£848,856	12	£70,738.00
Home Space (HSS	North West	Cumbria	£186,760	7	£26,680.00
Plus Dane	North West	Cheshire West and C	£1,620,000	18	£90,000.00
Plus Dane	North West	Cheshire West and C	£900,000	12	£75,000.00
Sefton Borough Co	North West	Sefton Borough Cour	£84,884	4	£21,221.00
Bath and North East	South and South West	Bath and North East	£750,000	14	£53,571.43
Cornwall Housing L	South and South West	Cornwall	£208,070	5	£41,614.00
Cornwall Housing L	South and South West	Cornwall	£499,368	12	£41,614.00
Cornwall Housing L	South and South West	Cornwall	£457,754	11	£41,614.00
Cornwall Housing L	South and South West	Cornwall	£83,248	2	£41,624.00
Elim Housing	South and South West	North Somerset Cou	£2,102,500	24	£87,604.17
Mendip District Cou	South and South West	Mendip District Coun	£200,000	30	£6,666.67
North Somerset Co	South and South West	North Somerset	£62,571	2	£31,285.71
Plymouth City Cour	South and South West	Plymouth	£790,000	16	£49,375.00
Plymouth City Cour	South and South West	Plymouth City Counc	£1,066,072	13	£82,005.54
Teignbridge	South and South West	Teignbridge	£1,350,000	15	£90,000.00
Wiltshire Council	South and South West	Wiltshire	£164,299	2	£82,149.50
Wiltshire Council	South and South West	Wiltshire	£616,593	8	£77,074.13
Wiltshire Council	South and South West	Wiltshire	£4,419,000	50	£88,380.00
Wokingham BC	South and South West	Wokingham	£115,000	4	£28,750.00
Windsor and Maiden	South and South West	Windsor and Maiden	£350,000	10	£35,000.00
Average			£45,732,967	703	£65,054.01