

Publication Draft Representation Form 2014

For Official Use Only	
Person ID:	9312.
Rep ID:	

This consultation stage is a formal process and represents the last opportunity to comment on the Council's Local Plan and accompanying Sustainability Appraisal (SA) before it is submitted to the Secretary of State. All comments made at this stage of the process are required to follow certain guidelines as set out in the **Representation Form Guidance Notes** available separately. In particular the notes explain what is meant by legal compliance and the 'tests of soundness'.

This form has two parts:

- Part A – Personal Details
- Part B – Your Representations

If you are commenting on multiple sections of the document, you will need to complete a separate Part B of this form for each representation on each policy.

This form may be photocopied or alternatively extra forms can be obtained from the Council's offices or places where the plan has been made available (see the table below). You can also respond online using the Council's e-Consultation System, visit: www.warwickdc.gov.uk/newlocalplan

Please provide your contact details so that we can get in touch with you regarding your representation(s) during the examination period. Your comments (including contact details) cannot be treated as confidential because the Council is required to make them available for public inspection. If your address details change, please inform us in writing. You may withdraw your objection at any time by writing to Warwick District Council, address below.

All forms should be received by **4.45pm on Friday 27 June 2014**

To return this form, please deliver by hand 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 Plan

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

- Warwick District Council Offices, Riverside House, Milverton Hill, Royal Leamington Spa
- Leamington Town Hall, Parade, Royal Leamington Spa
- Warwickshire Direct Whitnash, Whitnash Library, Franklin Road, Whitnash
- Leamington Spa Library, The Pump Rooms, Parade, Royal Leamington Spa
- Warwickshire Direct Warwick, Shire Hall, Market Square, Warwick
- Warwickshire Direct Kenilworth, Kenilworth Library, Smalley Place, Kenilworth
- Warwickshire Direct Lillington, Lillington Library, Valley Road, Royal Leamington Spa
- Brunswick Healthy Living Centre, 98-100 Shrubland Street, Royal Leamington Spa
- Finham Community Library, Finham Green Rd, Finham, Coventry

Where possible, information can be made available in other formats, including large print, CD and other languages if required. To obtain one of these alternatives, please contact 01926 410410.

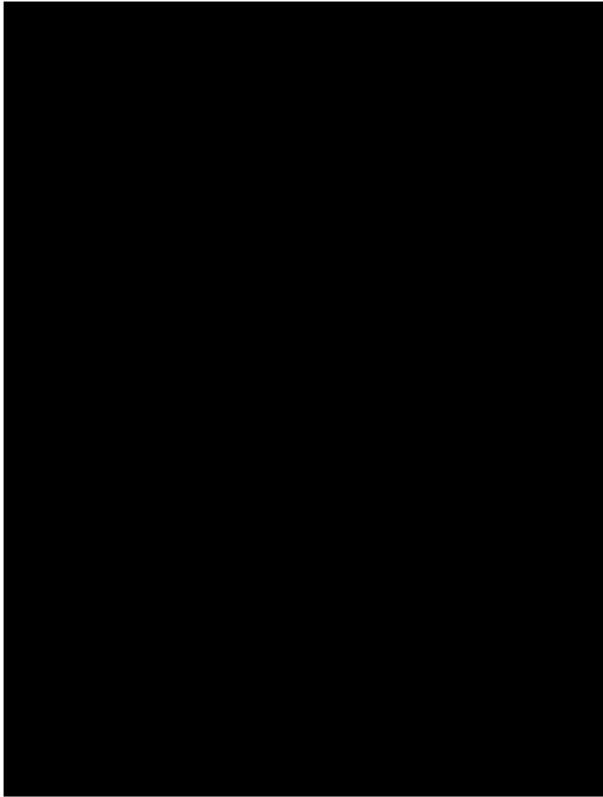
Part A - Personal Details

1. Personal Details*

2. Agent's Details (if applicable)

* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in section 2.

Title
First Name
Last Name
Job Title (where relevant)
Organisation (where relevant)
Address Line 1
Address Line 2
Address Line 3
Address Line 4
Postcode
Telephone number
Email address



3. Notification of subsequent stages of the Local Plan

Please specify whether you wish to be notified of any of the following:

- The submission of the Local Plan for independent examination Yes No

- Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan Yes No

- The adoption of the Local Plan. Yes No

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Part B - Your Representations

Please note: this section will need to be completed for each representation you make on each separate policy.

4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: H8 NEW GYPSY AND TRAVELLER SITES
Paragraph Number: 4.71
Policy Number: H8
Policies Map Number: H8

5. Do you consider the Local Plan is :

5.1 Legally Compliant?	Yes	No	<input checked="" type="checkbox"/>
5.2 Complies with the Duty to Co-operate?	Yes	No	<input checked="" type="checkbox"/>
5.3 Sound?	Yes	No	<input checked="" type="checkbox"/>

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:
Justified:
Effective:
Consistent with National Policy:

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7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

SEE ATTACHED LETTER.

Continue on a separate sheet if necessary

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

SEE ATTACHED LETTER.

Continue on a separate sheet if necessary

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

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9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination ✓

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

WARWICK DISTRICT COUNCIL HAVE IGNORED PUBLIC OPINION
AND ALL RELEVANT OBJECTIONS TO SITE 0T04.
I NEED TO ENSURE OUR POINTS ARE HIGHLIGHTED
DURING THE EXAMINATION.

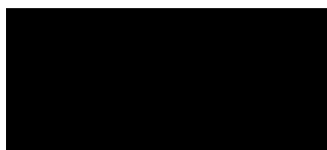
Continue on a separate sheet if necessary

Please note: This written representation carries the same weight and will be subject to the same scrutiny as oral representations. The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

11. Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation.

Signed:



24/6/2014

Date :

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 on the Local Plan 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 Local Plan and with consideration of planning applications in accordance with the Data Protection Act 1998.

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Rep ID:



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

30 April 2014

Reference: GT04 Land at Harbury Lane, Fosse Way

Dear Sirs

Proposed Gypsy and Traveller Site GT04 - Land at Harbury Lane, Fosse Way

I wish to object to the proposed Gypsy and Traveller Site GT04 – Land at Harbury Lane, Fosse Way. I reiterate my initial objections raised on the enclosed letter dated 26 July 2013 and can now provide additional reasons and points in support of my objection.

Warwick District Council confirmed GT04 as a preferred site and made the following comments for the reasons why it remained in the consultation process:

'The site is not in the Green Belt and is currently the home ground of Leamington Football Club. The Football Club could be amenable to the sale of the land for a Gypsy and Traveller site if they are able to relocate as part of a wider scheme through the Local Plan. It is unlikely that the site could connect to a public foul mains sewer, but could drain away from the south or be served by a non-mains solution. Access could be taken off Harbury Lane provided that any new access is not opposite an existing access and visibility splays can be achieved. The nearest school with places is likely to be Bishops Itchington Primary School although new schools built through new housing developments allocated in the Local Plan could also provide school places to children in this area. GP surgeries are located at Bishops Tachbrook (2.7 miles), Whitnash or Harbury (2.6 miles) and bus services are 77 bus service (2060m), 64 bus service passes site, 498 bus service (irregular).'

The only reason GT04 remains a preferred site is that Leamington Football Club said they were amenable to the sale of the land for a Gypsy and Traveller site. We understand that the majority of Leamington Football Club shareholders do not want to sell the ground and with compulsory purchase no longer a viable option, GT04 should be withdrawn from consultation. The other points and reasons for keeping GT04 in the process do not comply with the National Planning Policy Framework or new national guidance and in my opinion will fail the planning appeal process.

It would also appear that the Warwick District Councils amended map of GT04 includes substantially more land than is owned by Leamington Football Club and this additional land is not for sale.

I wish to emphasise the fact that the aim of the Communities & Local Government's 'Planning Policy for Travellers 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 my position that Site GT04 is in a wholly inappropriate location for residential occupation, for all the reasons set out in my objection below. Accordingly, it is my view that permitting the permanent siting of pitches in GT04 would not deliver a fair or equal treatment to Gypsies and Travellers residing at this site.

Site GT04 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.

Road Safety

1. Harbury Lane is a busy road with a 50mph speed limit as vehicles travel to the M40, Leamington Spa, Warwick and Jaguar Land Rover at Gaydon. The Fosse Way has a 60mph speed limit with a continual stream of traffic throughout the day. The stretch of road between the A425 and the B4100 is an accident black spot with a high casualty rate. The junction with Harbury Lane is particularly dangerous owing to the speed and volume of traffic using this crossroads. The latest statistics obtained from the WCC Road Safety Intelligence Unit bear this out as follows:
Fosse Way from A425 to B4100 – 41 reported accidents in last 5 years to 31 December 2013 with 68 casualties.
The Harbury Lane / Fosse Way Crossroads have had 6 accidents in the last 3 years to 31 December 2013 with 8 casualties. A further 2 accidents with casualties in the last couple of months have not yet been recorded on the statistics.
An increase in vans, lorries, trailers and caravans as Travellers enter and exit the site will only exacerbate the problem. The potential risk to travellers and the local population makes this site unsuitable.
2. Warwick District Council should be aware that there are no footpaths and presumably would not consider providing a footpath considering the limited number of people that may potentially use it, the limited width of Harbury Lane and speed of vehicles using it. There is also a gas pipeline that stopped consideration of development along Harbury Lane so costly infrastructure is unlikely to be utilised by any new development.
GT04 does not satisfy the National Planning Policy for Gypsy and Traveller Sites with regard to your plans for shops, schools, GP's, road safety and the ability to safely walk anywhere.
3. Children cannot be allowed to stand on a busy road to wait for transport to school.

GT04 Road safety does not comply with the requirements of the National Planning Policy Framework.

Education

1. The consultation documents states that the nearest school with places is likely to be Bishops Itchington Primary School. This does not take into consideration the 115 houses which have already been granted planning permission in Bishops Itchington or the 200 proposed houses to the former cement works site between Bishops Itchington and Harbury. It is therefore unlikely that there will be any spare capacity at either of Harbury or Bishops Itchington schools. As a consequence, any school age children from GT04 would have to travel into Leamington Spa to attend school.

GT04 Education does not comply with the requirements of the National Planning Policy Framework.

Health Care

1. The consultation document states that 'GP surgeries are located at Bishops Tachbrook (2.7 miles), Whitnash or Harbury (2.6 miles)'. The nearest and most convenient medical facility to this site is at Harbury and the surgery is already struggling to cope with demand as it has more than 6000 registered patients.

GT04 Health Care does not comply with the requirements of the National Planning Policy Framework.

Integration

In the Warwick District Council public consultation report the public raised the question '*Isolation is not sustainable and does not lead to integration*'.

The Warwick District Council answer was '*There are few areas in Warwick district that can be described as truly isolated in geographic terms. Whilst there are those who wish to be integrated into their local community, there are those who do not and this applies to Gypsies and Travellers and to the settled community. It is not suggested that Gypsy and Traveller sites should be set at great distances from the settled community, but at a respectful distance for both communities*'.

1. GT04 is relatively isolated and is the choice of the small settled community to be isolated. It should be our right to decide whether we want to live close to and integrate into a larger settled community or a traveller community and the consensus of opinion is that we do not want to integrate into a larger community.
2. GT04 could not be considered a respectful distance away from the existing settled community because it adjoins two sides of a back garden owned by a lady who lives on her own. This does not comply with new national guidance or the National Planning Policy Framework.
3. Warwick District Council has not written to or spoken to Mrs M Williams of Fosse Paddocks, Fosse Way Chesterton regarding the potential Gypsy and Traveller site GT04 that could border two sides of her back garden. Warwick District Council has shown a complete lack of duty of care and respect for the local community in their blinkered quest to finalise the local plan.
4. No direct consultation with any of the local community directly affected.
5. The National Planning Policy Framework states that integration into the settled community is required. There are approximately 20 adults and children that would be considered the settled community. Travellers could number over 100 and this cannot be considered integration.
6. Land is predominantly used for sheep. The potential for stray dogs may cause conflict with local farmers.

GT04 Integration does not comply with the requirements of the National Planning Policy Framework.

Integration into the Landscape

In the Warwick District Council public consultation report the public raised the question *'Integration of sites into landscape can only take place through site management and this won't happen'*

The Warwick District Council answer was *'This will be a matter which will be dealt with in detail through planning applications, however, the landscape is one of the elements which will feature in the sites assessment report which will be completed before the next Preferred Options consultation is undertaken in due course.'*

1. Leamington football ground is on a low flood plain overlooked by the village of Harbury and Chesterton Windmill. The ground itself has been elevated and cannot be amenable to integration into the landscape.
2. The majority of the site as confirmed by Enfusion is a flood zone. Any raised site such as Leamington Football pitch would not be integrated into the landscape without harming the visual appearance and character of the area.
3. Lack of Integration into the landscape would spoil the views from Chesterton Windmill, a 17th-century Grade I listed building and a striking landmark in South-East Warwickshire. The Warwick District Council website states *'Chesterton Windmill is a conspicuous landmark in South-East Warwickshire. Chesterton Windmill is a famous feature of the Warwickshire landscape and can be seen from several miles away. It stands on a hilltop overlooking the Roman Fosse Way about five miles south-east of Warwick. The mill was built in the years 1632-1633 and remained in use until about 1910 when its machinery ceased to work. It was restored from 1965- 1971 by Warwickshire County Council in collaboration with the Society for the Preservation of Ancient Buildings and the Ministry of Public Building and Works.'*
This Warwick District Council website identifies two historic sites, Chesterton Windmill and the Roman Fosse Way that the Enfusion report neglected to mention. They must be taken into consideration when the decisions are made.

GT04 Integration into the landscape does not comply with the requirements of the National Planning Policy Framework.

Flooding / drainage

1. The area is prone to flooding and is effectively a flood plain.
2. Fields are often under water and livestock and ponies moved accordingly.
3. Harbury Lane is often flooded and impassable.
4. Planning & Building regulations cannot be complied with because site GT04 is unable to use soak away or runoff since the soil is clay based

GT04 Flooding and drainage does not comply with the requirements of the National Planning Policy Framework.

Infrastructure

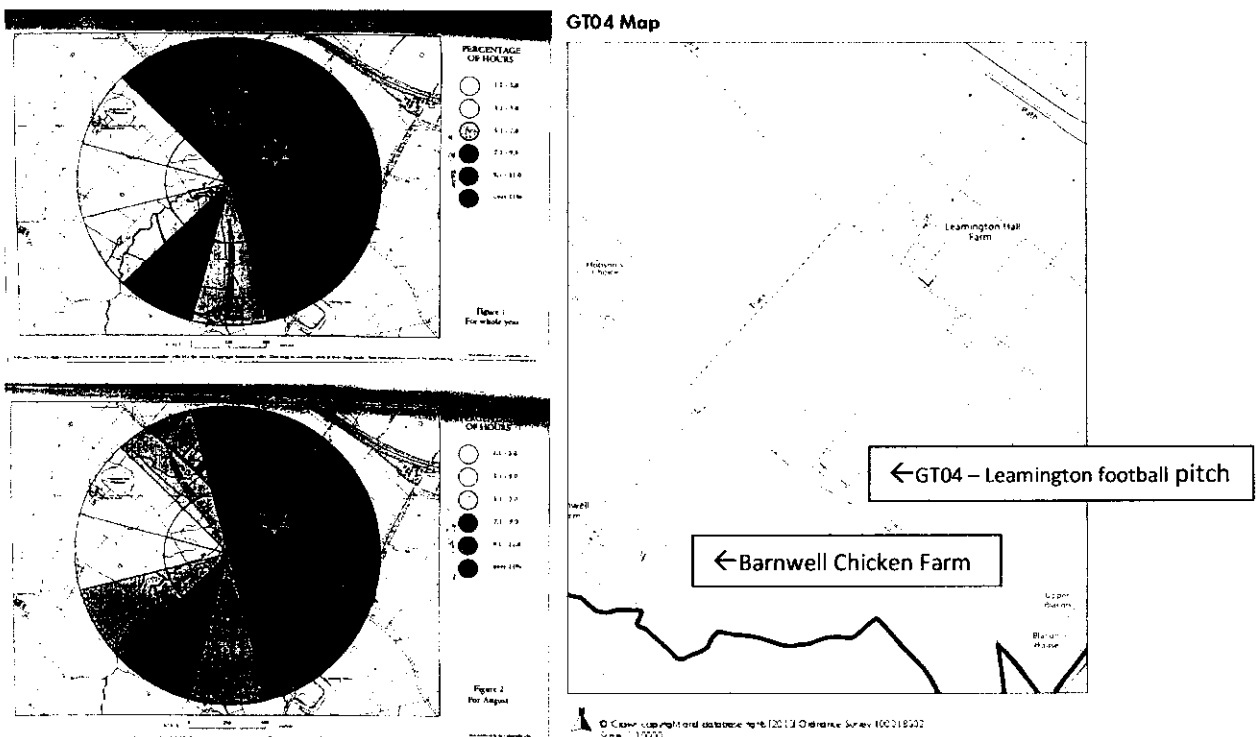
1. The infrastructure at GT04 is very poor and would require considerable investments to make it of reasonable standard.
2. GT04 is located at a point where there is no mains gas, mains sewerage or drainage and these facilities will need to be provided, thus adding to the cost of development. It is also possible that the electricity supply will be a problem as it is a rural system supplying a limited number of consumers, therefore a new or upgraded supply line may be needed.
3. GT04 is considered by British Telecom to be too far from the Whitnash Telephone Exchange to provide an adequate telephone or internet service (They term it as a long line). They will not upgrade the system resulting in poor telephone connections and intermittent (<1mbs) internet service.
4. GT04 does not have a reliable mobile phone service. There are no mobile phone networks that provide more than a mediocre service.

GT04 Infrastructure does not comply with the requirements of the National Planning Policy Framework.

GT04 is within the aroma emissions zone of the Barnwell Chicken Farm

GT04 is very close to Barnwell Chicken Farm who operates an intensive poultry unit that often create an unbearable odour.

We have information from the air quality assessment submitted as part of the 1996 application examining the impact of odour emissions from the poultry units on the air quality and the diagram below indicates the odour 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 star for context and ease of reference and I have included a map showing how close Barnwell Farm and GT04 are situated.



The diagrams clearly illustrate that prevailing winds in the locality blow from the south/southwest, dispersing odour emissions from the poultry farm in the 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 impacts upon residential amenity and potential odour complaints from the site is greatly increased.

With reference to the Planning Practice Guidance Suite which came into effect on 6th March 2014, the third bullet point of Paragraph 5 in the 'Air Quality' guidance clearly states that Local Planning Authorities should consider whether the development would "expose people to existing 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 Barnwell Farm where Site GT04 is proposed. Accordingly, it is considered that GT04 is not suitable for residential occupation.

Compulsory Purchase / Planning Policy

Warwick District Council must realise that there is clear guidance from the Department of Communities and Local Government stating that land should not be compulsorily purchased to provide permanent pitches for Gypsies and Travellers. Current planning guidance substantially waters down legislation introduced in 2006. Compulsory purchase orders are also considered bad practice and should not be used.

The Under Secretary of State for Communities and Local Government Brandon Lewis made the following statement on 25 April 2013:

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

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

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

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

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

In conjunction with measures in the Localism Act, we have abolished top-down regional targets, scrapped the unelected regional planning quangos and are revoking the last Administration's Regional Strategies. Councils can now plan for traveller site provision in a locally-led way.

Our planning guidance will help councils in planning enforcement cases against unauthorised development. Guidance restricting the ability to use enforcement action has been removed (Circular 01/06, paragraphs 12, 63).

The Localism Act gives councils new powers to tackle the intentional abuse of retrospective planning permission (whilst still allowing for the correction of innocent mistakes by householders). We are also giving councils more freedom to use Temporary Stop Notice powers to enable local authorities to take immediate action against unauthorised caravans; the Town and Country Planning (Temporary Stop Notice) (England) (Revocation) Regulations 2013 come into force on 4 May.'

Warwick District Council need to start listening to the Government policy makers and should not proceed with provision of Gypsy and Traveller sites until they are fully aware of new guidance and regulation.

When Leamington Football Club withdraw their offer of the football ground, Warwick District Council should immediately remove Site GT04 from the preferred site list.

Preferred Option Report

In the initial consultation Site GT03 and GT04 had similar relevant objections that resulted in GT03 being withdrawn from the process and Site GT04 objections and public opinion being completely ignored by Warwick District Council. The two sites should be considered the same because the width of Harbury Lane cannot create such a significant difference to make GT04 a viable proposition. Neither site satisfies national planning guidance.

Leamington Football Club

1. You confirm that national planning guidance states that there should only be 5 pitches per site. I therefore put it to you that even with ten pitches the demolition of the Leamington Football Ground, provision of a newer, larger and more bespoke ground plus the requirement to then build the infrastructure for the Gypsy and Traveller site should be considered an expensive unviable proposition. Warwick District Council have advised that a Housing Association / Private Landlord, Gypsy or Traveller will develop the site and I am confident that providing the directors of Leamington Football Club with a bespoke football ground would not be on their agenda
2. Leamington Football Club shareholders do not want to move from the New Windmill Ground and compulsory purchase should no longer be considered an option
3. Warwick District Council should consider how they are spending the local settled community funds before agreeing to provide the costly infrastructure required to make GT04 viable for a Gypsy and Traveller site.
4. It is irrelevant whether Leamington Football Club want to move to a new football ground. Warwick District Council should realise Site GT04 is unsuitable as a Gypsy and Traveller site and should stop incurring further costs because ultimately the Secretary of State will review the relevant objections resulting in the decision that the selection process and site failed the requirements of the National Planning Policy Framework.

Underutilisation of nearby Gypsy & Traveller Sites

1. There is a Gypsy and Traveller site at Ryton that is underutilised.
2. We have been advised by Warwick District Council that some Gypsies and Travellers can afford to buy pitches so it is reasonable and fair to suggest that they buy land and follow planning regulations like the settled community. The travellers should not have council support and funding to attain planning as this would be discriminatory and unfair to the settled communities that could not get similar help or funding.

Suggested sites

1. Kenilworth has set a precedent in that it accepts the legal encampment of gypsies and travellers for its Horse fair. This site should be considered as a permanent pitch.

House Prices

Regarding house prices and difficulty to sell, Warwick District Council stated that 'during the consultation, one of the local residents association carried out their own survey on this topic and whilst it was found that at first there is a slight fall in existing property values, these quickly recover and have no lasting effects on overall values.'

This will all depend on the price of the house because the desirability factor of a house worth over £500,000 is likely to fall considerably more than a less expensive home if any type of planning is approved within its vicinity. Warwick District Council has made comments in the public consultation that are not relevant to the value of homes near site GT04. If Warwick District Council force site GT04 through, then a compensation package should be included.

Money Laundering Regulations

Warwick District Council should be aware of current Money Laundering Regulations and must ensure their policies comply with current guidance.

Salford University Report and other points

1. My opinion is that Salford University have not provided an objective report when they have no knowledge of the area and have relied upon interviews with a few local Gypsy and Traveller families to calculate the need and number of pitches required. This does not constitute an objective reliable report.
2. I have reviewed Gypsy & Traveller websites and they confirm that there are not enough travellers in the whole of the UK to fill the number of sites being provided. Presumably that is the reason why there are so many vacant sites at the Ryton Traveller site.
3. I have reviewed Government opinion and MP's have questioned Salford University GTAA reports. An example was from MP Gavin Williamson (South Staffordshire) (Con) who on 4 February 2014 said *'Does my hon. Friend share my concern about how supply is determined? Salford University undertook a study, including in my own constituency that basically asked the Gypsy and Traveller populations how many pitches they thought they would require during the next 15 to 20 years. Unsurprisingly, the number was very substantial: the Gypsies and Travellers deemed that they needed a 60% increase in the supply of pitches in quite a short period.'*
Warwick District Council should also be concerned that their Salford University report contains many flaws that will result in overprovision of pitches and the wasting of Council funds on pointless infrastructure.
4. Many of the settled community live in places that they would not consider an ideal home. If Gypsies and Travellers have been provided Council houses then they should be satisfied and not be included in the total number of pitches required. This point of view is shared by MP's who have suggested that only real travelling families should be considered for pitches.
5. The Salford University leading consultant has been involved in many similar Gypsy and Traveller reports throughout the country. Other councils and MP's are now realising that their methods are flawed and questions are arising concerning methodology used. Warwick District Council should review the report and defer any decisions until a full investigation is complete.
6. The GTAA does not consider existing capacity in current Gypsy and Traveller sites.
7. Warwick District Councils report 2011 identified far less pitch requirements so should be evidence as to the flaws in the Salford University findings.
8. The Salford University GTAA report states that of the interviewees living in houses, only one wanted to move to a pitch.
9. The Salford University and Warwick District Council did not interview Warwick District residents, landowners or small businesses for their opinions.
10. The Salford University report contains serious flaws in the number of sites required. Travellers own reports confirm there are only 50,000 travellers in UK so the GTAA report is incorrect.

11. There is a prima facie requirement for the council to demonstrate 'need' – this can only be done by proving demand and this has to be done by analysing the number and frequency of illegal encampments, the Council have not done this. The Salford University report is flawed and cannot be relied upon.
12. The Salford University report is flawed in many ways which I highlighted in my original objection dated 27 July 2013.
13. The Salford University report says that only seven traveller families are in caravans so that should be the maximum number of pitches required.
14. There are no illegal sites in the Warwick district, therefore no sites required.

New National Planning Guidance and Warwick District Council Public Consultation Options 2013

1. Warwick District Council has not followed new national guidance regarding the numbers of Gypsy and Traveller pitches proposed on each of the preferred sites. Warwick District Council are aware of this as stated numerous times in their public consultation report that guidance states there should be a maximum of five pitches per site.
In the public consultation report Warwick District Council state on many occasions that national guidance has reduced the number of pitches per site to 5. One of your comments was *'Whist a figure of between 5 and 15 pitches per site was suggested in the consultation paper, guidance now clearly indicates that sites should comprise no more than 5 pitches per site'*.
Warwick District Council should abide by national guidance.
2. Warwick District Council stated that 'The outcomes from this consultation have been used to help shape the Council's 2013 Gypsy and Traveller Preferred Site Options document' however ultimately all relevant objections and public opinion would appear to have been ignored. GT03 has been correctly excluded from further consultation and GT04 has similar issues that should also result in its removal from further consultation.
3. Planning guidelines require Gypsy and Traveller Sites to be a 5 to 10 minute walk to shops, schools and GP's. Warwick District Council cannot expect all Gypsy and Travellers to have access to vehicles considering proposed schools and GP's are over 2.5 miles away. The proposed schools and GP's will also require the Gypsies and Travellers to use the Harbury Lane and Fosse Way junction that is extremely busy and Warwick District Council should be aware of the increased numbers of accidents at this point.
Warwick District Council should also be aware that there are no footpaths and presumably would not consider providing a footpath considering the limited number of people that may potentially use it, the limited width of Harbury Lane and speed of vehicles using it. There is also a gas pipeline that stopped consideration of development along Harbury Lane so costly infrastructure is unlikely to be utilised by any new development.
GT04 does not satisfy the National Planning Policy for Gypsy and Traveller Sites with regard to your plans for shops, schools, GP's, road safety and the ability to safely walk anywhere.

4. GT04 should not remain in the consultation process considering the numerous times it contravenes national guidance. The Warwick District Council public consultation options 2013 report confirms that you are aware of gypsy and traveller site requirements. This report would suggest that Warwick District Council have provided correct answers to the public and then blatantly ignored those answers.
I would like to think that this is an oversight by Warwick District Council that will be rectified and that it is not standard procedure for Warwick District Council to provide incorrect answers in a public consultation.
5. The cost of providing Leamington Football Club with a new bespoke football ground and conversion of old ground into a Gypsy & Traveller site will be very expensive in that no Gypsy, traveller or private landlord will ever consider a viable option. There is also the high cost of infrastructure required for this project that would be minimised if situated near town.
6. I am alarmed to read the Warwick District Council answer to the public question '*Better to site away from existing residential areas where less problems will occur?*'
Warwick District Council said '*Whilst there may be fewer problems if sites are away from existing residential areas, this also means that they are further from the amenities and services that the Government say must be convenient to them. For this reason, preferred sites are on the edge of towns or villages that have services.*'

Warwick District Council should comply with the Government policy and Warwick District Council should not force the 'fewer problems' on a very small community.

7. Warwick District Council stated that '*There are restrictions on noise levels into and out of Gypsy and Traveller sites in the same way as for the settled community and environmental protection can be called in to look at any cases of pollution reported. There will be a restriction on the number of caravans per site set out in planning conditions attached to a planning permission and enforcement action can be taken if these are exceeded. Exactly the same regulations apply to all members of the community, but there are more stringent tests for caravans which are more vulnerable than bricks and mortar dwellings.*'

I suggest that Warwick District Council make it clear who will be monitoring and enforcing regulations because the ethnic minority status afforded to Gypsies and Travellers may make enforcement difficult. Maintaining the local settled communities basic human rights should also be a priority.

8. The Green belt argument fails as gypsy camp can be put / planned for a tiny bit of greenbelt.

Reasons why Warwick District Council should not comply with Gypsy & Traveller Planning policy

I would like to raise the Warwick District Council awareness regarding MP's who are now questioning the relevance of ethnic minority status and the reasoning behind specific planning policy for Gypsies and Travellers. Questions are also being raised regarding the actual numbers of Gypsies and Travellers that require a pitch and the unsatisfactory way the GTAA is prepared. The Under Secretary of State for Communities and Local Government is questioning whether Gypsies and Travellers that have ceased to travel should be included in the overall pitch requirement.

Brandon Lewis, The Under Secretary of State for Communities and Local Government said ***"We want to ensure fairness in the system, and I stress that we announced our intention to consult later this year on whether the planning definition of Travellers should refer only to those who actually travel and have a mobile or transitory lifestyle. If someone has ceased to travel, it is right to ask whether they should be treated as a Traveller for planning purposes, and we will be seeking answers to that question."***

Eric Pickles, The Secretary of State for Communities and Local Government said ***"We have deleted the guidance which pressured councils towards the compulsory purchase of land for traveller sites"***

I believe that Warwick District Council owe a duty of care to its settled community and should review this situation and consider whether a deferral of a final decision would be preferable. The Warwick District community all need the Gypsy and Traveller Planning Policy to be reconsidered by Parliament and as you can see from the comments made below, there is support from MP's at the highest level. Warwick District Council has been elected by the local settled community and should not make hasty unpopular planning decisions if there could be other options. I am sure that the overwhelming majority of Warwick District residents would join and support Warwick District Council in objecting to the Government and forcing change to their discriminatory and unfair planning policies.

The following is a report from a debate on 4 February 2014 followed by the comments made by Mr A Selous MP and various other MP's:

Tory MPs call for revision of Traveller and Gypsy planning legislation

6 February 2014 | By Laurna Robertson

Conservative MPs this week called for 'special planning provisions' for Travellers and Gypsies to be removed.

At the debate organised by Andrew Selous in Westminster Hall on Tuesday, the Conservative MP for South West Bedfordshire told Brandon Lewis, under-secretary of state for Communities and Local Government, that the current 'twin-track' planning system 'greatly threatens and undermines community cohesion and causes significant fear, distrust and upset to both Travellers and settled residents'.

He asked the minister to 'introduce primary legislation to deal with the situation in the forthcoming Queen's speech and, in the interim, immediately to lower the 3 per cent net household formation annual growth requirement for Gypsies and Travellers to around 1.5 per cent, as I do not believe that the evidence supports the 3 per cent figure and it is causing huge difficulty to local authorities and our constituents'.

Mr Lewis said in response that he wants 'fair play in the planning system'.

He added: 'I am keen to hear views on how planning policy for Travellers could be further refined to ensure that the green belt and other areas that we value are given proper protection. This debate has provided a welcome opportunity to pursue that discussion, but I hope that it will develop in due course.'

He concluded his speech by summarising three things the government's planning reforms seek to achieve: an adequate supply of authorised sites to meet Traveller needs; a level playing field for all; and the protection of our natural heritage and open spaces.

In the same debate, Philip Hollobone, Conservative Party MP for Kettering, spoke about a private member's bill that he wanted to name 'Gypsies and Travellers (the Same Planning Rules as Everyone Else) Bill', which he said he was told by 'parliamentary authorities that was not allowed'. He said the bill would 'do what we have all been asking for, which is to remove all special provisions for Gypsies and Travellers in the planning system so that everyone is on exactly the same level playing field when they make a planning application.

'Why should there be any special provisions for those calling themselves Gypsies and Travellers, especially when we have learned today that three quarters of those people live in houses like everyone else? I am not convinced that there are as many Gypsies and Travellers as everyone says there are.'

Quotes from the 4 February 2014 debate - Hansard Report

Andrew Selous: *A separate planning system for Gypsies and Travellers has been developed in this country.*

The Human Rights Act 1998 and section 225 of the Housing Act 2004 recreated a parallel planning system for Gypsies and Travellers. I have no doubt that that was done with the best of intentions, but it is no longer appropriate for the settled or Traveller communities. Many local councillors share that view.

We know from the 2011 census that 76%—more than three quarters—of Gypsies and Travellers live in houses, bungalows or flats, while only 24%—less than a quarter—live in caravans or mobile homes. Thus, the existing separate planning law for Gypsies and Travellers applies only to less than a quarter of their population in the United Kingdom. I cannot think of any other group in the UK, whether vulnerable or not, that we seek to ghettoise in such a way. We must look at whether such separation in the planning system has worked for the benefit of Gypsies and Travellers; I think that the evidence suggests that it has not.

When I look at Polish residents in my constituency, I note that they have an active social centre and, indeed, their own Polish Catholic church, both of which are close to my constituency office. We do not have a separate planning system for Poles, allowing them to live together with planning rights not available to the rest of the population, but they have managed to maintain their identity and cultural heritage by meeting together regularly.

I see no reason why there should be any loss of Gypsy or Traveller identity from what I am proposing. To achieve what I am proposing, I am calling on the Minister to introduce primary legislation in the forthcoming Queen's Speech to amend section 225 of the Housing Act 2004, which requires a separate housing needs assessment for Travellers and Gypsies. I am also calling for the Human Rights Act 1998 to be similarly amended as well as, if necessary, those sections of the Equality Act 2010 that apply to Gypsies and Travellers.

Andrew Selous: *The current twin-track, separated planning system—one for Gypsies and Travellers and one for settled residents—greatly threatens and undermines community cohesion and causes significant fear, distrust and upset to both Travellers and settled residents. If someone can demonstrate, or simply declare, that they are a Gypsy or Traveller, they acquire highly lucrative planning rights not available to the rest of the population.*

Andrew Selous: *The reality is that anyone can self-declare as a Traveller. I very much welcomed the written ministerial statement made by the Minister on 17 January in which he committed to looking at that issue.*

The current separate planning system for Gypsies and Travellers often takes no account of the proper provision of facilities in rural locations, specifically those for sewerage and sanitation. Harm

is often caused to the local environment by hedgerows being illegally pulled out, pollution of the local water courses and farmland, and sometimes encroachment on others' land.

Many villages in my constituency, such as Billington, Stanbridge, Tilsworth, and Heath and Reach, feel very threatened by the large number of Travellers and Gypsies being sited in their communities to comply with current Government requirements.

I do not believe the current situation is tenable, because central Government are forcing local authorities to take many extremely unpalatable decisions that are causing a great deal of anxiety and anger in rural and urban communities. As I said, that does not aid community cohesion. I believe strongly that we are all equal under the law. That is an important principle, but many of my constituents in the settled community do not believe that equality under the law exists at the moment and feel highly discriminated against.

I repeat my request to the Minister to introduce primary legislation to deal with the situation in the forthcoming Queen's Speech and, in the interim, immediately to lower the 3% net household formation annual growth requirement for Gypsies and Travellers to around 1.5%, as I do not believe that the evidence supports the 3% figure and it is causing huge difficulty to local authorities and our constituents.

Tim Loughton: Everyone should be treated the same in housing assessment, and we overestimate the real need. A recent census found that more than two thirds of Travellers have brick and mortar homes in other parts of the country. We must look at the vulnerability of these communities to very poor education, qualification, health and employment outcomes, and a long-term policy that addresses that is needed. Just treating them differently in the planning system is not the solution.

Mr Hollobone: This perversion of the planning system is reiterating itself through these absurd extra provisions that are bolted on. People in my constituency are being brought to tears worrying about the planning regulations on Gypsies and Travellers. It is not unfair to say that some parts of the rural and farming community are being terrorised by the threat of theft, crime, rubbish and antisocial behaviour from local Gypsy and Traveller groups.

Through my private Member's Bill, I argue that that requirement should be abolished. There should not be pressure on local authorities to come up with a designated number of sites, and abolishing that requirement would allay a lot of fears in my community.

The Parliamentary Under-Secretary of State for Communities and Local Government (Brandon Lewis): Gypsies and Travellers are as much members of our communities as anyone else and deserve the same protection and the same rights. The key word is "same". It has been suggested that there may be one law for settled communities and a separate law for Travellers, but we need to ensure that everybody is treated equally.

We want fair play in the planning system. We are committed to encouraging sustainable development, and it is important that local authorities plan for the needs of all in their communities, including Travellers. We should not, however, tolerate any abuse of the planning system. We have introduced a broad package of measures to ensure a fair deal for both Travellers and the settled community.

In addition, we have reminded council leaders of the strong powers already available to them to deal swiftly with illegal and unauthorised encampments.

We want to ensure fairness in the system, and I stress that we announced our intention to consult later this year on whether the planning definition of Travellers should refer only to those who actually travel and have a mobile or transitory lifestyle. If someone has ceased to travel, it is right to ask whether they should be treated as a Traveller for planning purposes, and we will be seeking answers to that question.

The Parliamentary Under-Secretary of State for Communities and Local Government (Brandon Lewis): *In conclusion, I stress that our planning reforms seek to achieve three things: an adequate supply of authorised sites to meet Traveller needs; a level playing field for all; and the protection of our natural heritage and open spaces. We are determined to ensure that everyone has the ability and aspiration to prosper and that we break down the barriers to social mobility through a planning system that is fair and equal to all.*

The Secretary of State for Communities and Local Government – Eric Pickles

On 5 August 2013 Eric Pickles said 'I understand concerns regarding the impact that unauthorised and inappropriately-placed traveller sites can have on the countryside and open. This Government inherited a system wrought with ineffective and environmentally harmful rules for traveller sites; we have undertaken a series of comprehensive reforms to tackle the embedded sense of unfairness in the planning system and better empower local authorities to deal with illegal sites.

Planning rules from my Department now make clear whether permanent or temporary, traveller sites should be considered inappropriate development in the Green Belt, providing local planning authorities with a clearly defined position upon which local planning decisions can be made.

In March, we also strengthened the "Temporary Stop Notice system", thus improving the enforcement powers of councils, backed up with large fines. By allowing councils greater freedom to use these notices, breaches can be stopped quickly and effectively. Previously, notices could be used to stop the levelling of a site, but could not stop the imposition of a caravan on it. The changes will remove this constraint and ensure that rules and protections are applied fairly to all so that the rights of travellers, and the settled community, continue to be protected.

There has been a perception that the traveller community receive preferential treatment in the planning system under the Labour Government. Unfortunately, under the previously flawed system, tensions between the traveller and settled communities were far too prevalent.

We have therefore revoked John Prescott's outdated and exceedingly lengthy document Diversity and Equality in Planning in an effort to restore fairness and improve community cohesion. This includes getting rid of rules that encourage the monitoring of the private lives of individuals and promote the overuse of expensive and bureaucratic Equality Impact Assessments.

The planning system should be fair and take into account the needs of all law-abiding sections of society; independent of age, occupation or lifestyle. We have deleted the guidance which pressured councils towards the compulsory purchase of land for traveller sites and the abolition of the top-down targets, derived from Labour's ineffective Regional Spatial Strategies. These targets prevented councils from adapting their planning policies for travellers to meet the needs of, and deal with the relevant problems in their area. The public wants to see fair play in the planning system; and I am determined we deliver on that.

I maintain my opinion that Site GT04 Land at Harbury Lane, Fosse Way is a wholly inappropriate location for a Gypsy and Traveller site, with regard to the numerous reasons provided. Further it is my contention that the development of the site for residential occupation runs contrary national policy and guidance and should, therefore, not be permitted. For these reasons, I would respectfully submit that Warwick District Council should consider Site GT04 as entirely unsuitable, inappropriate and unsustainable location for the Gypsy and Traveller site.

Yours faithfully

