
REPRESENTATION

In respect of

**PROPOSED ALLOCATION
OF A GYPSY AND
TRAVELLER SITE ON LAND
OFF STRATFORD ROAD**

On behalf of

O JENKINS AND K FITCH

Ref: RCA1000

Date: December 2014

rca
REGENERATION

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1.0 INTRODUCTION

- 1.1 This is an objection prepared on behalf of O Jenkins and K Fitch, of Tournament Fields, Warwick. It is prepared in parallel with the objection also submitted by the Chase Meadows Residents Association (CAMRA) to the proposals.
- 1.2 We consider in summary that the proposed allocation would not represent a sustainable or appropriate location for a gypsy and traveller site – primarily because of the poor quality environment it offers.
- 1.3 It is considered that there are better locations for gypsy and traveller pitches elsewhere in the District. It is appreciated that the District Council are under pressure to ensure that a range of genuine options are available for gypsy and traveller families for permanent pitch accommodation, as well as some transit sites for those passing through.

2.0 SITE AND SURROUNDINGS

- 2.1 The proposed Gypsy and Traveller site is approximately 0.3 miles from Longbridge to the west and approximately 4 miles from the centre of Warwick town centre. The site is currently used for agricultural purposes and is Grade 3a/4.
- 2.2 The site is immediately adjacent to the Severn Trent Water Longbridge site and the M40 bounds the south of the site with the River Avon adjacent to the east of the site. The site falls within Flood Zones 2, 3 and 3a; this will be discussed later in more detail later in this document.
- 2.3 Severn Trent Water occupies the site to the north which is used in connection to the water treatment site to the north of this site. The site is adjacent to one of the Major Employment Commitments proposed in the un-adopted Local Plan. There is a residential dwelling to the south of the site, which is connected to the farm.
- 2.4 The site is accessible via a private road, located along its western frontage. The land to the east west and south of the site is agricultural land, including the application site and is characterised by open fields with little or no hedgerows separating the northern western and southern boundaries. There is substantial vegetation to the west of the site adjacent to the River Avon.
- 2.5 The private road is little more than a narrow track, and due to the width of the road there are no road-markings and limited opportunities for two way traffic to safely pass.
- 2.6 Approximately 0.3 miles west of the potential site is the settlement of Longbridge as well as the Hilton Hotel and Holiday Inn as well as other commercial uses just off junction 15 of the M40.

3.0 MATERIAL CONSIDERATIONS

3.1 We consider in assessing the potential for allocating this site for gypsy and travellers, within the emerging plan, the Framework and other material considerations are of relevance.

National Planning Policy Framework (The Framework)

3.2 The Framework was adopted in March 2012 and replaced a suite of previous national guidance (detailed in Annex 3).

3.3 The Framework contains particular relevance to the proposals contained within this application and states the following:

<p>Paragraph 100</p>	<p><i>Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.¹⁹ Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the</i></p> <p><i>impacts of climate change, by:</i></p> <ul style="list-style-type: none"> • <i>applying the Sequential Test;</i> • <i>if necessary, applying the Exception Test;</i>
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	<ul style="list-style-type: none"> • <i>safeguarding land from development that is required for current and future flood management;</i> • <i>using opportunities offered by new development to reduce the causes and impacts of flooding; and</i> • <i>where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.'</i>
<p>Paragraph 101</p>	<p><i>'The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.'</i></p>
<p>Paragraph 102</p>	<p><i>'If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:</i></p> <ul style="list-style-type: none"> • <i>It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and</i> • <i>A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without</i>

	<p><i>increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.</i></p> <p><i>Both elements of the test have to be passed for development to be allocated or permitted.'</i></p>
<p>Paragraph 103</p>	<p><i>'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:</i></p> <ul style="list-style-type: none"> <i>• Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and</i> <i>• Development is appropriately flood resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems'</i>
<p>Paragraph 109</p>	<p><i>The planning statement should contribute to and enhance the natural and local environment by:</i></p> <ul style="list-style-type: none"> <i>• Protecting and enhancing valued landscapes, geological conservation interests and soils;</i> <i>• Recognising the wider benefits of ecosystem services;</i> <i>• Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the</i>

	<p><i>Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</i></p> <ul style="list-style-type: none"> • <i>Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and</i> • <i>Remediating and mitigating despoiled, degraded, derelict, contaminated and unsuitable land, where appropriate.’</i>
<p>Paragraph 110</p>	<p><i>‘In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.’</i></p>
<p>Paragraph 111</p>	<p><i>‘Planning policies and decisions should encourage the effective use of land by re-using land that has been previously development (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.’</i></p>
<p>Paragraph 112</p>	<p><i>‘Local planning authorities should take into account the economic and other benefits and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.’</i></p>

<p>Paragraph 120</p>	<p><i>'To prevent unacceptable risks from pollution and land instability, planning policies and decision should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.'</i></p>
<p>Paragraph 125</p>	<p><i>'By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'</i></p>

Affordable Housing SPG

- 3.4 Paragraph 4.5 states that "Government guidance states that where gypsy and traveller sites are owned and managed by local authorities or Registered Social Landlords, they are included within the definition of affordable housing."
- 3.5 Policy SC11 states that "the accommodation provided will be determined on the basis of local need as identified by the Council in accordance with the Housing Strategy and Housing Needs Study and, where appropriate, by other local needs surveys and information;"
- 3.6 The Affordable Housing SPG identifies the importance of Policy RAP4 where it states that "the proposed development is small in scale, of appropriate Design and is located within or adjoining an existing settlement." It also identifies that a settlement is defined as a village should have at least one of a selection of basic

services. The closest settlement to the proposed site is Longbridge which is not considered a sustainable location for growth in the Local Plan.

National Guidance: Planning policy for traveller sites

- 3.7 Planning policy for traveller sites was published in March 2012 and replaced ODPM Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites and Circular 04/2007 – Planning for Travelling Show People¹.
- 3.8 Paragraph 11 states that an objective of the Government’s policy when planning for traveller sites is to *not located sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.*
- 3.9 Paragraph 11 also states that local planning authorities should *‘provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development.’*
- 3.10 Planning Policy for Traveller Sites (March 2012)² states that *“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.”*
- 3.11 The Designing Gypsy and Traveller Sites, Good Practice Guide (2008) states in paragraph 3.3 *‘It is essential to ensure that the location of a site will provide a safe environment for the residents. Sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will obviously have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. All prospective site locations should be considered carefully before any decision is taken to proceed, to ensure that the health and safety of prospective residents are not at risk*

¹ DCLG, Planning policy for traveller sites, March 2012, paragraph 1

² Policy C, Para.12

4.0 OBJECTION

4.1 This objection considers the following matters:

- Sustainability of the location, traffic and local amenity issues
- Landscape constraints
- Flood risk
- Biodiversity constraints
- Preferred Option Sites

Sustainability of the location, traffic and local amenity issues:

4.2 The Affordable Housing SPD states in paragraph 4.5 that "Government guidance states that where gypsy and traveller sites are owned and managed by local authorities or Registered Social Landlords, they are included within the definition of affordable housing."

4.3 There has yet to be any evidence provided by Warwick District Council which identifies the need for this type of affordable housing in this location. There has been an identified need in Warwick District, but this site was not identified within the South Housing Market Area Gypsy and Traveller Accommodation Assessment or in the Council's own commissioned Gypsy and Traveller Accommodation Assessment for Warwick District 2012, undertaken by Salford University.

4.4 This site itself is not adjacent to a settlement and there have yet to be any substantial plans submitted by the Council as to the final layout and design of the proposals. Which considering the site is covered by the still relevant policies covering the 'Rural Areas' means the proposals cannot yet be approved in line with the adopted Development Plan.

- 4.5 The site falls into Flood Zones 2, 3 and 3a, the site is adjacent to a major commercial complex (sewage works) which have industrial processes being undertaken on site as well as HGV deliveries to site, which are likely to produce noise above the recommended level adjacent to residential areas.
- 4.6 The caravans that are likely to occupy the site are unlikely to be fitted with suitable noise mitigation measures of a standard similar to a brick built dwelling. As such it is unlikely that the (new acoustic standards³) can be met on this site, given its proximity to the motorway and other noise sources. At the time of writing, we understand that the Council have not commissioned any form of acoustic assessment of the site.

Biodiversity Harm

- 4.7 The Otter Survey 2000 identified a trend of re-colonisation of the Avon and Tame Catchments of the European Otter (Jones, 2001); this report was undertaken on behalf of the Warwickshire Wildlife Trust. The Otter is currently listed on Annexes II and V of the Habitats Directive, Appedix II of the Bern Convention and Appendix I of CITES and as is on European Protected Species list in Annex IV to EC Directive 92/43/EEC ('the Habitats Directive'). An ecological report has been commissioned by the Council but it has yet to be published so it is not known as of yet if there is a 'holt' (Otter habitat) near to the site or if there are any other endangered species on or near the site.
- 4.8 In the ecological report undertaken by Swift Ecology it identified that whilst they could find few areas of dense riparian cover likely to provide suitable habitat for breeding holts, although it is possible some areas of habitat could be suitable as 'lying-up' habitat, as the river corridor is largely free of human disturbance apart from monitored use by Warwick Fishing Club...there are seven otter records within 1km of the site boundary, from a nearby tributary of the River Avon, and it is likely that otters use the River Avon for foraging, shelter and commuting.

³ BS4142 (2014)

4.9 The report also identified that there area has potential for badgers, great crested newts, reptiles, bats, water vole, breeding and wintering birds and invertebrates. The ecological report states that further surveys will have to be undertaken to assess the suitability of the site for the above species. This will result in the need to mitigate for the loss of habitat for said species which is another cost associated with this site.

4.10 The Swift Ecology report was only a phase 1 report and as such they were unable to undertake a fully survey or access the whole stretch of the river corridor during their search.

Flooding

4.11 The flood technical note has identified two potential options for providing alleviation to the proposed development and the surrounding area. Before any work can be undertaken a Stage 2 assessment will need to be undertaken, which will involve Old House, Horse Brooks and the surrounding areas undergoing detailed modelling assessments to define the extent of flooding in more detail and then if that report is positive then a Stage 3 alleviation assessment should be considered viable to remove the site and some surrounding areas from the floodplain. This would require a substantial amount of work and money just to provide robust evidence that a flood alleviation scheme is possible in this location, not to mention the time and money needed to actual provide said flood alleviation scheme for an area that could not yield significant development, notwithstanding the constraints already identified.

4.12 Considering the cuts in funding to much of the UK budget, the proposed allocation is unlikely to represent the sort of 'viable' scheme that could justify a need for significant investment in flood defences, given the pressure on long-established town and city centres with heritage assets that have a stronger need for immediate protection. We note that there are several alternative sites considered in the preferred options which are not susceptible to flooding or require substantial remediation work to protect from flooding.

Noise

- 4.13 The Environmental Noise Assessment identified that none of the sites considered exceeded Category B (except those next to the motorway) and none were close to the 68 dBA specified under the Noise Insulation Regulations and concluded that the sites would not fall within the definition of SOAEL and would not therefore give rise to a significant adverse impact to health and quality of life. The report did go on to note that caravans generally have poor sound insulation and as such, discussion is necessary when considering the siting of the caravans within the sites. The report also stated that if the Inspector were to consider the matter of noise in regard to these sites that additional work should be undertaken.
- 4.14 We cannot see how an EiP Inspector would ignore the issue of noise, given the proximity of the site to a number of major noise sources. The baseline noise, as well as potential for tonal noise at different times of the day and night could significantly undermine residential amenity for future occupiers of the site.

Preferred Option Sites

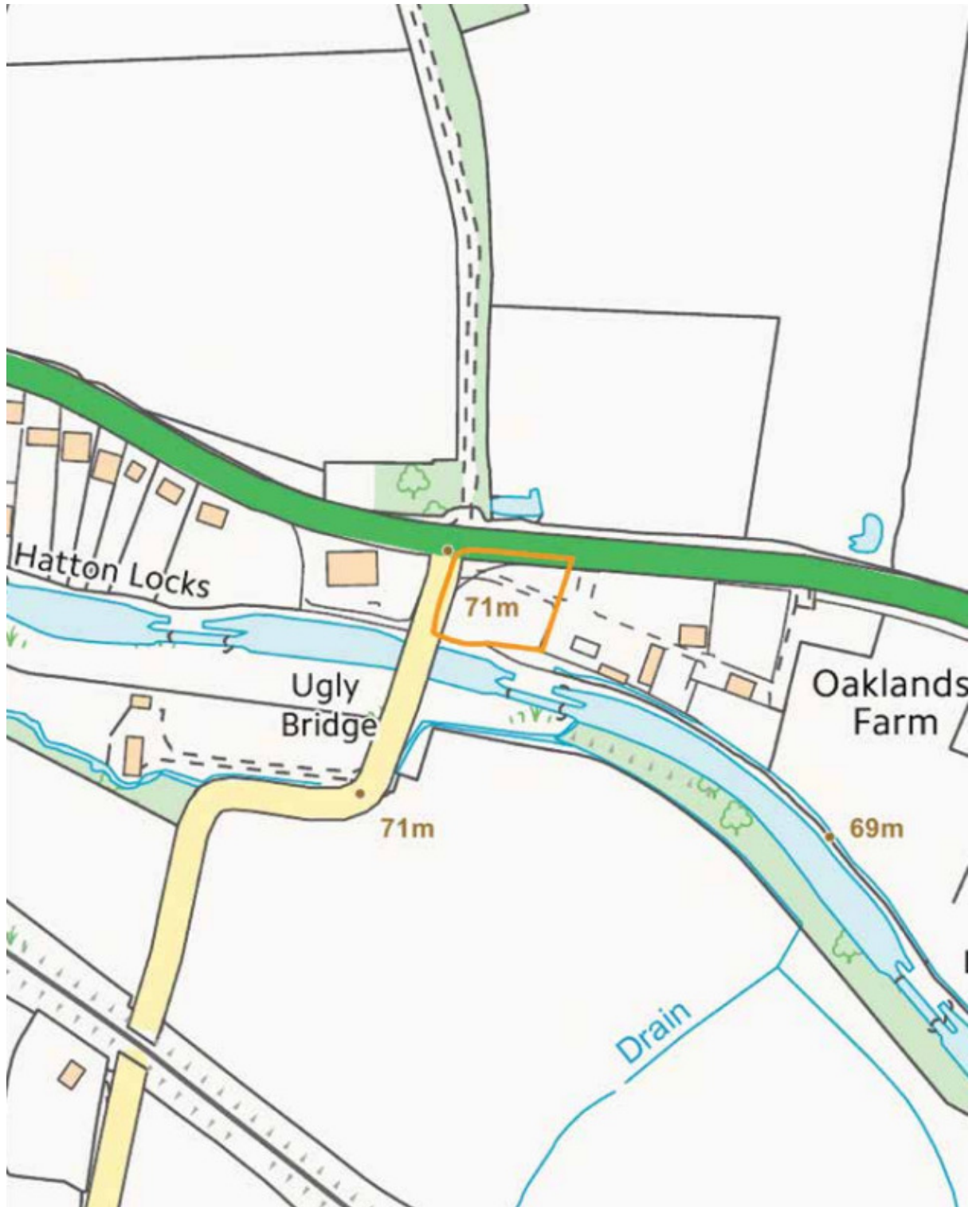
- 4.15 Five sites were originally considered by Warwick District Council as the preferred options for a Gypsy and Travellers sites. Two of these sites have been brought forward to provide 22 pitches, 6 of which will be for transit (short term) use. In this section we will review other sites that were considered through the plan process, which we think are preferable.

GT19 Land of Birmingham Road, Budbrooke

- 4.16 The land is in the Green Belt but part of a wider use which incorporates previously developed land. It is located adjacent to a petrol filling station and other houses. Although the site faces open countryside it does have an urban feel on this side of the Birmingham Road. Currently this part of the land is used as a site by the Camping and Caravan Club so utilities are already available. The site area has been reduced from that originally considered to avoid other

existing uses and retain the viability of the remaining unit. The existing access points are already used for the Camping and Caravan Club caravans and fewer movements of large vehicles would take place on a permanent site. This site could connect to the existing foul sewer. A habitat buffer would be required along the line of the watercourse which flows along the southern boundary. The land is Grade 3 agricultural land and therefore not of the highest quality.

- 4.17 The Priority area school would be Budbrooke Primary School where numbers are falling. The school does currently take children from Warwick which is out of its catchment area. A bid has been made for funding to expand this school based on the knowledge that there could be more 'in area' children in the future when new village housing is developed. There is a GP surgery located at Hampton Magna (1.1 miles) and public transport is provided by the 68 bus service, the 60 bus service (irregular) and the 511 bus service (irregular) all of which pass the site. Subject to agreement with the landowner, this site could be delivered within 5 years.

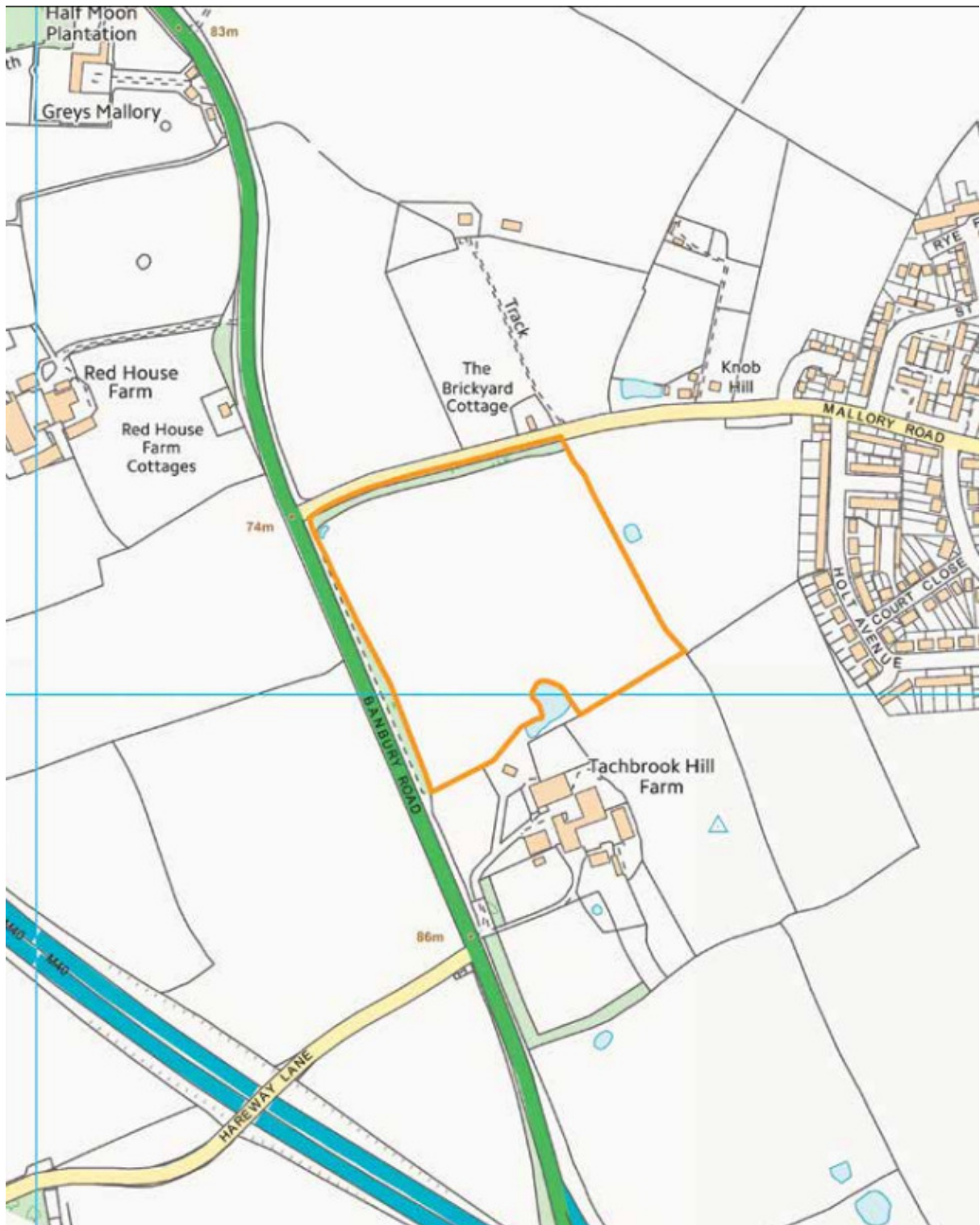


GT02 Land abutting the Fosse Way close to its junction with the A425

- 4.18 The site is not in the Green Belt. It is part of a farm complex and would take access from a new point along the Fosse Way. The Fosse Way is a popular route with the travelling community (major events such as the Stow-on-the-Wold Horse Fair attract significant numbers of people from the travelling community) and the site is ideally located for this reason.
- 4.19 It lies wholly within Flood Zone 1 which is 'sequentially preferable'. The land is Grade 3 and 3a agricultural land. It is adjacent to Parlour Spinney which is a potential Local Wildlife Site. Although unable to connect to the public foul mains sewer, a non-mains solution could be provided. Radford Semele is the closest school to the site (1.5 miles) and Harbury school is at 1.7 miles. GP surgeries are located at Croft, Sydenham (2.6 miles) or Harbury (1.6 miles). There are 63/64 and 498 bus services along A425. The landowner is not willing to sell this site, so compulsory purchase powers would have to be used to bring the site forward.

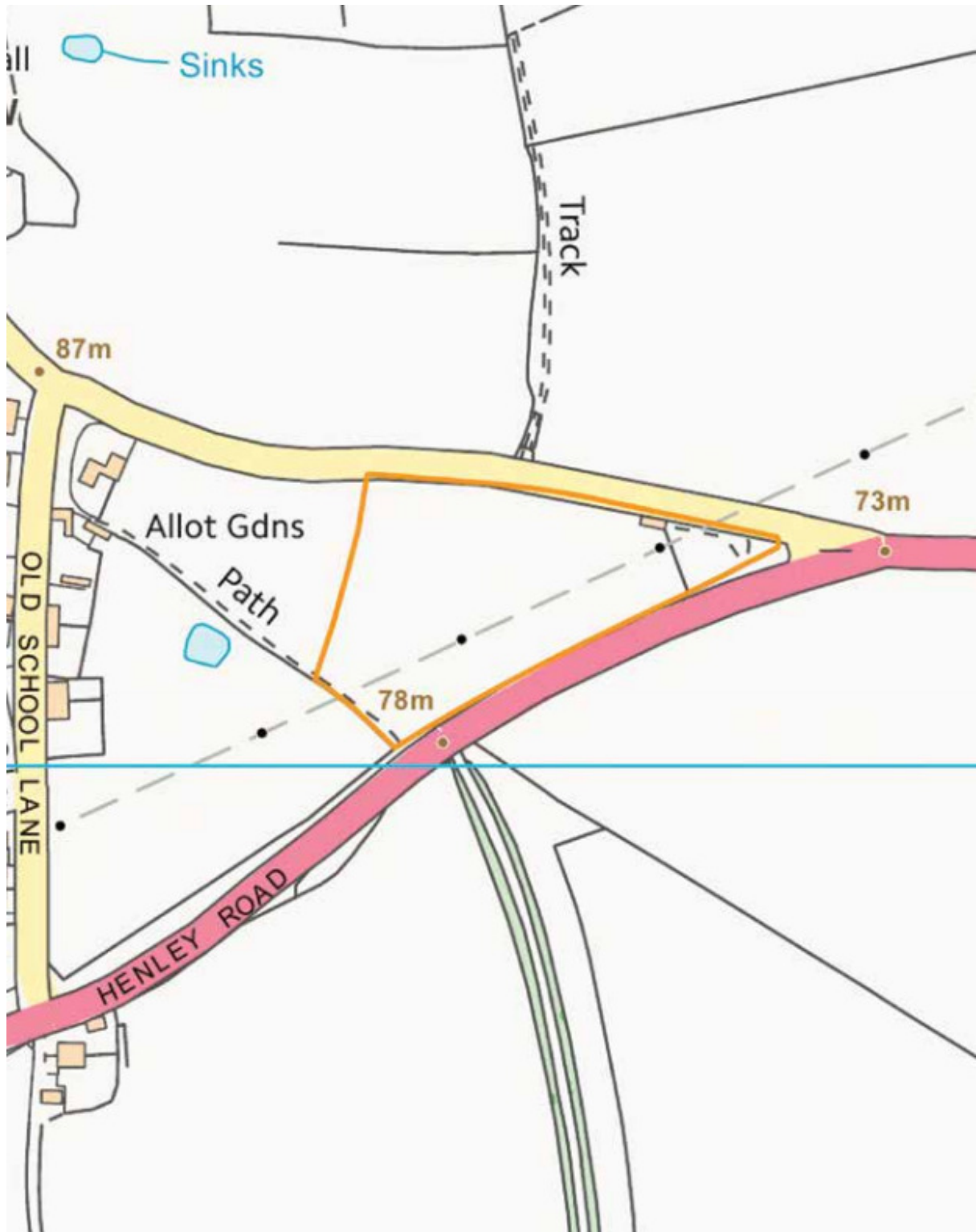
GT05 Land at Tachbrook Hill Farm

- 4.20 This site is not in the Green Belt. It is unlikely that the site could be connected to the public foul mains sewer so would need a non-mains solution. It lies wholly within low risk Flood Zone 1 and is sequentially preferable in terms of flood risk. The land is Grade 3 agricultural land.
- 4.21 Access is feasible if created northwest of Tachbrook Hill Farm access, but should be in advance of traffic calming features. Bishop's Tachbrook School is the closest to the site (0.9 miles). Children living on this site would secure places over children at a greater distance. There are also three new schools proposed as part of the allocated development sites in the Draft Local Plan and these will also serve this area. A GP surgery is located at Bishops Tachbrook one mile away. The 77 bus service passes the site. The landowner is not willing to sell this site, so compulsory purchase powers would have to be used to bring the site forward.



GTalt03 Land at Henley Road/Hampton Road

- 4.22 This site is in the Green Belt and is not previously developed land. Access is achievable along Hampton Road with the required visibility splays. There is also pedestrian access to this site. The Priority area school would be Budbrooke Primary School which is usually full or close to capacity however, children looking to enter in September would take priority over out of area children. Numbers within the Budbrooke priority area are falling so more places could become available.
- 4.23 The school does currently take children from Warwick which is out of its catchment area. A bid has been made for funding to expand this school based on the knowledge that there could be more 'in area' children in the future when new village housing is developed. The site is on a public transport route with two bus stops within recommended walking distance of 800m (68 bus service). A GP surgery is located at Hampton Magna (1.1 miles). The landowner is very keen to the promote site for this use making it available and deliverable.



5.0 CONCLUSIONS

- 5.1 We wish to register an objection to the proposed allocation of land for a gypsy and traveller site on land off Stratford Road, Warwick.
- 5.2 We consider that the alternatives being considered collectively represent a better opportunity to allocate sustainable and suitable Gypsy and Traveller sites. The nearby services will better meet the day to day requirements of the potential new residents, and proximity to local schools will also be of benefit.
- 5.3 The other sites seem to have fewer constraints – even the site at Tachbrook Hill Farm is a more significant distance away from the M40, reducing the impact upon the site from this major noise source.
- 5.4 Traditionally, Gypsy and Traveller families have had to ‘put up with’ site locations on the edges of industrial estates or in isolated locations miles from key services. This is evident from a cursory glance at known traveller pitches around the county and wider Housing Market Area. Putting some thought into what impact each future location will have on these families will ensure that each new pitch will have a lower churn rate, and improved social cohesion. It may even have other positive benefits for the families seeking such housing.
- 5.5 It is common knowledge that children from Gypsy and Traveller families do not always do well at school⁴. Poor educational attainment can be directly linked to the quality of life of such children where they may often struggle to find quiet places to read or do homework. The overall causes are complex, but allocating permanent pitches directly adjacent to a motorway is not a good way to work positively towards improving the educational chances of children in gypsy and traveller families. It could also undermine the other specialist needs such families have, and certainly does nothing to improve their overall quality of life.

⁴ DfE 2010 Improving the Outcomes for Gypsy, Roma and Traveller pupils.