



Solihull
METROPOLITAN
BOROUGH COUNCIL



Gypsy and Traveller Site Allocations Development Plan Document

Options Paper Consultation:

**Council's Response to the
Representations**

Solihull Local Development Framework



October 2011

**Solihull Local Development Framework
Gypsy and Traveller Site Allocations Development Plan Document Options Paper
Consultation – July and August 2011**

Council's Response to the Representations

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Council's Response to the Representations

Introduction

This document provides a summary of the Council's responses to the representations received to the Gypsy and Traveller Site Allocations Development Plan Document (DPD) Options Paper consultation. The document follows the order and addresses the questions posed in the Options paper, and includes:

- i) The respondent reference number of the representations received on each issue
- ii) The key issues raised by the respondents
- iii) The Council's response to the key issues and other issues raised

A total of 39 responses were received, although seven had no comment to make at this stage and not all respondents answered all questions. Responses were received from a range of stakeholders including private individuals, residents associations, parish councils, Government Departments / Agencies, local groups / societies, as well as Gypsy and Traveller representative bodies. A number of people from the local Gypsy and Traveller community in Solihull have given their views via site visits and one to one meetings.

A summary of the all the consultation responses is provided in a separate document – „Gypsy and Traveller Site Allocations Development Plan Document Options Paper Consultation: Summary of Representations'. The possible sites that have been suggested to the Council through the Development Plan Document process are available for information in the document – „Gypsy and Traveller Site Allocations Development Plan Document – List of Submitted Sites'.

Every effort has been made to ensure that all responses received have been incorporated in this document and addressed with a Council response.

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The Evidence Base and Gypsy and Traveller Need Beyond 2017

Representations received:

6, 11, 13, 15, 17, 21, 25, 26, 27, 28, 29, 30.

Key Issues raised by the above representations:

- The Gypsy and Traveller Accommodation Assessment (GTAA) was considered an appropriate way of identifying the accommodation needs of Gypsies and Travellers in Solihull to 2017.
- The GTAA is no longer relevant as Government guidance has changed. Decisions should be delayed until Government consultation is complete.
- The evidence base should be reviewed and updated.
- The application of the 2008 GTAA household formation rate was not generally considered to be an appropriate or robust way to identify accommodation need beyond 2017.
- Other ways to identify the accommodation needs included reference to other applications and appeals, historical demand and statistical analysis, consultation with Gypsies and Travellers, all Gypsies and Travellers to register with the Local Authority, census information.

Council's response to the representations listed above:

- Policy 5 of the Emerging Core Strategy indicates that provision of sites beyond 2012 will be determined in the light of an up to date GTAA. Current and emerging guidance states that need should be based on robust, up to date evidence. It is therefore considered that the GTAA should be updated to assess Solihull's future pitch requirements from 2012 onwards.
- Although the new draft Planning Policy Statement (PPS) on Planning for Traveller Sites states that pitch provision should be based on robust evidence of local need in the light of historical demand and includes no specific reference for the need to undertake a GTAA, neither does it remove the duty to follow government GTAA guidance. In responding to the draft PPS the Council considered that more clarity was required on the future use of GTAAs and that an element of caution needs to be exercised if the emphasis is focussed too strongly on planning for need in the context of historical demand only. In addition, in a recent appeal decision the Secretary of State gave little weight to the draft PPS and draft National Planning Policy Framework as "they have been published for consultation and are therefore subject to change".
- In the absence of clear, adopted Government guidance it is considered that GTAAs still constitute robust evidence and as such it is proposed that the Solihull GTAA be updated. Under existing guidance, any update of the GTAA will include analysis of existing data sources and a specialist survey of the local Gypsy and Traveller community.
- Delaying the process of bringing forward sites and pitches until Government consultation is complete is not an Option. The Government is clear in both existing and emerging guidance that there is an increasing need for permanent pitches. In addition, our ability to enforce is related to our proactivity in meeting the need for new provision.

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The Approach to Meeting Need

Representations received:

6, 11, 13, 15, 17, 21, 24, 25, 26, 27, 28, 29, 30, 39.

Key Issues raised by the above representations:

- Many respondents considered that the identified approaches to meeting need were appropriate.
- One respondent did not think the identified approaches to meeting need were appropriate, as they were not convinced that there is any future need to meet.
- No single approach was overwhelmingly favoured but in general the most popular approaches were expansion of and increasing capacity on existing sites. The merits of adopting a combined approach were also highlighted.
- New sites and site extensions should consider impacts on biodiversity and ecology.
- There is concern that unlawful sites will be permitted to remain.
- The Council should adopt a target of at least 50% social sites.
- There should be appropriate Council house provision for all.

Council's response to the representations listed above:

- The approaches to the way in which future accommodation needs may be met will be given further consideration by assessing in more detail any new sites or site extensions that have been suggested to the Council. A list and locations of these suggested sites is available for information. Officers will be considering each site in terms of its suitability, including any potential impact on ecology and biodiversity. However, the Council have made no decision in favour of any possible site at this stage.
- The existing Solihull GTAA provides robust evidence of the need for Gypsy and Traveller accommodation in the Borough. An updated GTAA will assess the extent of future need.
- The identification of sites and pitches to meet existing and future need will strengthen the Council's power to enforce against unauthorised developments and encampments.
- It is recognised that many Gypsies and Travellers wish to find and buy their own sites to develop and manage and one of the Government's objectives for planning in respect of Traveller sites is to promote more private traveller site provision while recognising that there will always be those who cannot provide their own site. Unless based on robust evidence, it is therefore considered that a 50% target is not required.
- It would be unacceptable to suggest that Gypsies and Travellers should be accommodated in bricks and mortar accommodation. Local authorities are expected to facilitate the traditional way of life for Gypsies and Travellers.

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Call for Sites

Representations received:

6, 11, 13, 17, 25, 26, 27, 28, 30, 31.

Key Issues raised by the above representations:

- Many respondents indicated that they could not suggest any sites that they consider suitable for use as Gypsy and Traveller sites.
- No sites should be located within Bickenhill Parish Council area.
- The following new sites have been suggested (both through this consultation and prior to it):
 - Land at Eaves Green Lane, Meriden.
 - Land between Waste Lane and Old Waste Lane, Balsall Common.
 - Land at School Road, Hockley Heath
 - Council owned land at Damson Lane, Solihull
 - Land adjacent to the Pleck, Shadowbrook Lane
- The following existing authorised sites have been suggested for extension / increases in capacity:
 - Land off Salter Street, Earlswood
 - Canal View, off Salter Street, Earlswood
 - The Warren, Bickenhill Lane, Marston Green
 - The Haven, Catherine-de-Barnes Lane, Bickenhill
- There is one view which suggests that the „call for sites’ exercise is „Judicious, irresponsible, naïve and clearly not thought through’.

Council's response to the representations listed above:

- The list and locations of sites that have been suggested to the Council through the DPD process are available for information; however, this in no way determines whether a site should be allocated for development. The Council is very clear that no decision in favour of any possible site has been made at this stage.
- Officers will consider each site in terms of its potential suitability in order to identify preferred sites, which will be subject to consultation prior to publication of a Submission Draft DPD in which final site allocations will be identified.
- Notwithstanding this, the Council's position on the Eaves Green Lane site in Meriden remains clear in that planning permission has been refused and a subsequent appeal against that decision has been defended. The Secretary of State's decision on the appeal is awaited. Similarly, retrospective planning permission has also recently been refused for an extension to the existing authorised site on land off Salter Street, which sought no increase in pitches over and above what is already authorised. The Council has pursued enforcement action.
- There is a shortage of authorised sites in Solihull to meet identified local need. The Government is clear that there is a need to increase the number of traveller sites to address under provision and maintain an appropriate level of supply. The Council

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considers that undertaking a „call for sites' exercise will help to identify potential sites. However, the „call for sites' will not in itself determine whether a site should be allocated for development.

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Consideration of Gypsy and Traveller Related Development

Representations received:

6, 11, 13, 15, 17, 24, 25, 26, 27, 28, 29, 30, 39.

Key Issues raised by the above representations:

- It was generally considered that detailed policy considerations should be included in the DPD and that they are the right ones.
- One respondent considered that the detailed policy considerations are superfluous and were not needed as they would be considered as part of the development control process in any event.
- Further suggested policy considerations included reference to the effect on the settled community and the need to refer to ecology / biodiversity.

Council's response to the representations listed above:

- It is considered that detailed policy considerations should be included in the DPD to ensure certainty for both the Gypsy and Traveller, and the settled community as to what will be required from Gypsy and Traveller related development.
- The detailed policy considerations will be further refined in light of the comments received to the consultation, taking into account future Government policy guidance.

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Tenure

Representations received:

6, 11, 13, 15, 17, 23, 24, 25, 26, 27, 28, 29, 30, 36

Key Issues raised by the above representations:

- Socially rented pitches should be provided.
- Not all Gypsies and Travellers have the means to self provide. As with the settled population there is a need to provide choice and security.
- Socially rented pitches should not be provided.
- Respondents had differing views on what percentage of socially rented pitches should be provided and some considered that all sites should be socially rented.
- Security of tenure is also important.
- Social sites do not work as they can become dominated by a single family.

Council's response to the representations listed above:

- In accordance with existing and emerging Government guidance it is recognised that there will always be Gypsies and Travellers who cannot provide their own site and as such it is considered that socially rented pitches should be provided as part of the overall pitch requirement for the Borough
- The amount of socially rented provision in the Borough beyond 2012 will be determined in the light of updated evidence.
- The potential issues around the occupancy of social sites is not a matter for the DPD to address.

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Other Matters

Travelling Showpeople

Representations received:

6, 11, 13, 15, 17, 21, 23, 25, 26, 27, 28, 29, 30.

Key Issues raised by the above representations:

- There is no need for a Travelling Showpeople site in Solihull.
- There is no evidence of need from Travelling Showpeople

Council's response to the representations listed above:

- There is currently no evidence of need for a Travelling Showpeople site in the Borough and no comments on the Options consultation has been received from the Showman's Guild of Great Britain.

Stopping Place and Transit Provision

Representations received:

6, 11, 12, 13, 15, 17, 21, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35.

Key Issues raised by the above representations:

- There is a need for transit provision
- There is not a need for transit provision
- Transit provision should be based on identified need and planned appropriately if this is the case.
- Many respondents considered that there is no need to identify a separate site for transit pitches.
- Transit sites will not work as Gypsies and Travellers will use them as permanent bases.
- Opinion was divided on the issue of whether future residential provision should include space for visitors. There was a view however, that it should not be a requirement of planning permission and should be dependent on the site and the wishes of the occupiers.
- Opinion was divided on the need to provide temporary stopping places. Many considered that temporary stopping places would become permanent pitches; others considered provision should be based on need.

Council's response to the representations listed above:

- The need for transit provision will be assessed as part of updating the evidence base. Current evidence suggests that the scale of transit provision in Solihull is too small to merit the provision of formal transit accommodation.
- The potential issues around the occupancy of transit sites and temporary stopping places are not matters for the DPD to address. Occupancy conditions and time limits can be put on transit sites and temporary stopping places, although potential breaches are not a matter for the DPD.

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Family Growth

Representations received:

6, 11, 13, 15, 17, 23, 24, 25, 26, 27, 28, 29, 30, 34, 35.

Key Issues raised by the above representations:

- Future family growth will make up part of future need so an element of family growth should be included on new residential sites.
- There should be no provision for family growth on new residential sites.

Council's response to the representations listed above:

- The issue of future family growth is likely to be considered as part of updated evidence.
- The issue of whether future sites should include an element of family growth will be considered further when more definite decisions about site allocations are made. This will be on a site by site basis depending on the suitability of the site.

Safeguarding of Sites

Representations received:

6, 11, 13, 15, 17, 23, 24, 25, 26, 27, 28, 29, 30.

Key Issues raised by the above representations:

- General feeling amongst respondents that safeguarding of sites is appropriate provided sites are well located.
- A small number of respondents considered that sites should not be safeguarded in perpetuity.

Council's response to the representations listed above:

- The Council considers it important that authorised sites are not lost to alternative uses while there is still a proven need for sites. This will also provide certainty for both Gypsies and Travellers and the settled community. Therefore it is proposed that any new sites should be safeguarded for Gypsy and Traveller use in perpetuity.

Rural Exception Sites

Representations received:

6, 10, 11, 13, 15, 17, 24, 25, 26, 27, 28, 29, 30.

Key Issues raised by the above representations:

- Opinion is divided as to whether the DPD should include a Rural Exceptions Site policy.
- Some respondents consider that rural exception sites should be included, particularly if land is too expensive / unavailable for Gypsies and Travellers and families will be unable to afford land within settlement boundaries.
- Other respondents consider that rural exception sites should not be included.

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- Further consideration will be given to the inclusion of a Rural Exception Site policy through the development of the DPD.

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General Comments

Representations received:

6, 8, 9, 10, 11, 13, 14, 16, 18, 20, 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39.

Key Issues raised by the above representations: (not already noted and addressed elsewhere in this document)

- Recognition of the Council's commitment to meeting the accommodation needs of Gypsies and Travellers.
- Need to consider whether land should be removed from the Green Belt to accommodate Gypsy and Traveller sites.
- Recognition that there is a duty to provide sites being imposed on SMBC, but unlawful developments and encampments should be dealt with using all available powers.
- No new sites in Bickenhill Parish or Tidbury Green.
- Various issues should be taken into account when considering site allocations including flooding and drainage issues, impact on waterways and canal corridors and agricultural / farming issues.
- Councils should have quicker processes for removing Gypsies and Travellers from illegal sites and enforce the making good of any damage caused.
- There should be no further Gypsy and Traveller development in the Green Belt.
- The culture of Gypsies and Travellers is being eroded.
- No need for any Gypsy and Traveller sites in the Borough at all.

Council's response to the representations listed above:

- At this stage it is not felt appropriate to consider removing land from the Green Belt to accommodate Gypsy and Traveller sites.
- All potential sites will be assessed to ensure their overall suitability, including whether site conditions are appropriate for future occupants.
- Solihull's need for Gypsy and Traveller pitches was assessed through the 2008 GTAA and this is considered to be the most robust, up to date evidence of local need. It is proposed that the GTAA be updated to identify future need for the Borough.
- The approach towards development in the Green Belt reflects national guidance in PPG2. Policy 5 of the Emerging Core Strategy also sets out our approach. Very special circumstances will need to be demonstrated to justify any development.
- The provision of sites through the preparation of this DPD is considered to be facilitating the Gypsy and Traveller way of life as advocated by Government.

