

**Gypsy and Traveller Site Allocations
Development Plan Document Submission Draft**

**Council's Response to Representations and
Recommendations for the Gypsy and Traveller
Site Allocations Development Plan Document**

June 2013

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Preface

This document follows the chapter order of the Gypsy and Traveller Site Allocations Development Plan Document (DPD) Submission Draft and provides:

- i) the respondent reference number of representations received on each chapter
- ii) the key issues raised by respondents
- iii) the Council's response to both the key issues and other issues raised
- iv) Officer recommendations and changes.

The representations received have been summarised and are available in a separate document on the Council's website at www.solihull.gov.uk/ldf/28317.htm. The document is called the 'Gypsy and Traveller Site Allocations Development Plan Document Submission Draft - Summary of Representations Received'. The document follows the order of the DPD.

Background

The Gypsy and Traveller Site Allocations DPD is part of the Local Development Framework (LDF) for Solihull and sets out how the future accommodation needs of Gypsies and Travellers in Solihull will be met over the period to 2027.

A Options consultation, including a 'call for sites' exercise was undertaken in July and August 2011 and sought views on how the future accommodation needs of Gypsies and Travellers in Solihull could be met. In July and August 2012, a 'Preferred Options' document was published for consultation, setting out the Council's preferred approach to meeting needs and identifying sites the Council considered suitable for allocation. Responses to these consultations informed the Submission Draft document.

Consultation on the Submission draft DPD took place for a period of six weeks between 5 April 2013 and 17 May 2013.

Responses to the Gypsy and Traveller Site Allocations DPD Submission Draft

Within the representation period, 22 individual responses were received either on the official response forms, by email or letter. The majority of responses (8) were from Government departments / agencies stating they had no comments or general comments, rather than specific objections. Only 2 Government departments / agencies (the Environment Agency and the Police and Crime Commissioner for the West Midlands) had specific objections. The remaining responses were from a wider range of stakeholders including local individuals, parish councils, neighbouring local authorities, action / voluntary groups, private companies and planning consultants. There were many representations in support of the DPD, although there were objections, particularly relating to site allocations and matters of detail. These are outlined in the remaining sections of this document, together with recommendations for changes to the DPD prior to formal submission.

Glossary

Abbreviation	Meaning
DPD	Development Plan Document
FRA	Flood Risk Assessment
GTAA	Gypsy and Traveller Accommodation Assessment
LWS	Local Wildlife Site
NPPF	National Planning Policy Framework
PCCWM	Police and Crime Commissioner for the West Midlands
PPTS	Planning Policy for Traveller Sites
SDLP	Solihull Draft Local Plan

Chapter 1 – Introduction and Context

Representations received – respondent ID number(s):

10

Key Issues raised by the above representations:

- Support that the issue of Gypsy and Traveller accommodation is being addressed
- Object to the fact that Gypsy and Traveller accommodation is not being considered alongside mainstream housing
- Object to the fact that in-migration is ignored

Council's response to all representations:

- Welcome support for the document
- Challenge G of the SDLP is '*an imbalance in the housing offer across the Borough and a shortage of Gypsy and Traveller sites*'. This Local Plan challenge and its associated objectives encompass both mainstream housing and Gypsy and Traveller accommodation and demonstrates the provision of homes for both Gypsies and Travellers and the settled community is of equal importance to the Council. However, it is not a requirement of Government guidance to consider Gypsy and Traveller accommodation alongside mainstream housing and the Council are of the view that the identification of Gypsy and Traveller site allocations warranted the preparation of separate DPD, following the completion of an updated evidence base to identify need. The SDLP, particularly Policy P6, sets the context for the DPD and in accordance with the PPTS pitch targets are clearly set out over the plan period, together with criteria to guide land supply allocations.
- It is not considered that the issue of in-migration has been ignored. The 2012 GTAA recognises that the survey found no evidence to suggest that there is or is not movement between areas. As such it was assumed that if movement does occur, in-migration will balance out-migration. Similarly, the previous 2008 GTAA acknowledged that there was no source of information on migrational needs for Gypsies and Travellers and, as is conventionally widespread in GTAAs, the factor was not considered. The 2008 GTAA therefore also assumed that in-migration would balance out-migration.

Recommended changes to the DPD in response to representations:

No changes recommended.

Chapter 2 – How the Development Plan Document has been Developed

Representations received – respondent ID number(s):

None

Key Issues raised by the above representations:

N/A

Council's response to all representations:

N/A

Recommended changes to the DPD in response to representations:

No changes recommended

Chapter 3 – Planning Policy Context

Representations received – respondent ID number(s):

None

Key Issues raised by the above representations:

N/A

Council’s response to all representations:

N/A

Recommended changes to the DPD in response to representations:

No changes recommended.

Chapter 4 – Gypsy and Traveller Accommodation Need in Solihull

Representations received – respondent ID number(s):

10

Key Issues raised by the above representations:

- The level of need should be set to a minimum of 38 pitches until the new site at Old Damson Lane is built and made available

Council's response to all representations:

- The 2012 GTAA provides the most up to date and robust assessment of need which identified a requirement for 38 pitches in Solihull. This is fully acknowledged in the document. However, the DPD is a site allocations document and as planning permission has now been granted for 7 pitches, the role of the DPD is to allocate land to meet the remaining identified pitch requirement i.e. 31. The council does not therefore consider that the level of need should be set at 38 pitches when land to accommodate 31 pitches needs to be identified.

Recommended changes to the DPD in response to representations:

No changes recommended

Chapter 5 – Challenges, Vision and Objectives

Representations received – respondent ID number(s):

22

Key Issues raised by the above representations:

- The DPD should acknowledge the need to meet Gypsy and Traveller accommodation needs with protection of the Borough's biodiversity. This should be a challenge and an objective.

Council's response to all representations:

- Challenge K of the SDLP is 'protecting and enhancing our natural assets' and incorporates biodiversity conservation, and improving the natural environment. Policy P10 of the SDLP on the 'natural environment' sets out how biodiversity and other elements of the natural environment should be taken account of in proposals for development. In addition, Policy P6 which sets out the criteria to guide land supply allocations for future Gypsy and Traveller sites includes a criterion incorporating biodiversity to ensure that future Gypsy and Traveller sites are located where unacceptable adverse impacts on biodiversity can be mitigated. Furthermore, proposals for development on each of the allocated sites in the DPD which are located adjacent to a LWS will be required to demonstrate that there will be no impact. As the SDLP provides the wider context for the DPD and includes policies to conserve, protect, enhance and restore biodiversity, it is not considered necessary to repeat this in the DPD.

Recommended changes to the DPD in response to representations:

No changes recommended.

Chapter 6 – Strategy

Representations received – respondent ID number(s):

15

Key Issues raised by the above representations:

- Recent planning permission granted for 7 pitches on the site at Old Damson Lane did not seek formal comments from the PCCWM.

Council’s response to all representations:

- The fact that a previous planning application did not seek formal comments from PCCWM is not a matter for the DPD to address.

Recommended changes to the DPD in response to representations:

No changes recommended.

Policy GTS 1

Representations received – respondent ID number(s):

15

Key Issues raised by the above representations:

- Welcome the introduction of a policy on temporary stopping places
- Object to the omission of an explicit reference to consult with PCCWM
- Policy does not meet NPPF and Planning Policy for Traveller Sites as there is no reference to matters of security and safety, or mitigation measures that may be required. Additional policy wording suggested.

Council’s response to all representations:

- Support for the introduction of a policy on temporary stopping places is welcomed
- It is not considered necessary that an explicit reference be made in the DPD to consult with the PCCWM. This is a matter to be addressed through Development Management protocol, although comments to this consultation from PCCWM will be passed on to Development Management for future consideration.
- The Council consider that matters of safety and security could be incorporated into the policy.

Recommended changes to the DPD in response to representations:

Insert additional bullet point in Policy GTS1 as follows:

- “• **The design includes measures to promote community safety and social cohesion through measures such as natural surveillance on site.**”

Chapter 7 – Site Allocations

Representations received – respondent ID number(s):

1, 2, 4, 6, 7, 10, 11, 14, 17, 18, 21, 22

Key Issues raised by the above representations:

- Support for approval of existing caravans at the Uplands site.
- Objections to the Uplands site based on Green Belt issues, poor record of compliance with planning regulations, questionable need and lack of very special circumstances.
- Proposals at the Haven should ensure no impact on GEO apparatus.
- Relationship of the Old Damson Lane site to the Grade II listed Castle Hills Farmhouse and whether there may be any archaeological relationship that needs to be addressed
- Welcome the provisions in GTS 2, 3 and 5 which includes provision for the protection of Local Wildlife Sites (LWS) which are in close proximity to the proposed Gypsy and Traveller sites
- Sites at Old Damson Lane, The Warren and The Haven should not be allocated until it can be demonstrated that they are suitable for development in accordance with Policy GTS 6 and can provide for the number of pitches indicated.
- Site at Old Damson Lane should not be allocated until the Council is satisfied that there is no potential impact on wildlife at the adjacent LWS, access is safe and noise impact from Birmingham Airport has been assessed.
- Unclear if the Warren can accommodate 5 pitches given constraints of the site. Site should not be allocated until the Council is satisfied that there is no potential impact on wildlife at the adjacent LWS and that there will be no pressure to remove TPO trees.
- The existing Haven site is inappropriate, poorly laid out and under the flight path for the airport. There should be no extension until living conditions on the existing site have been improved.
- The Haven should not be allocated until it can be demonstrated that noise from aircraft would not result in unacceptable living conditions for site occupiers; there is no harmful impact on protected species at the nearby LWS.
- Other sites should be made available as part of a contingency in case identified sites do not come forward.
- Objection to the site at Canal View, Salter Street not being included as a site allocation. The existing site area is considered suitable for an increase in the number of pitches.
- Objection to inclusion of site GTS 2. Lack of supporting evidence to demonstrate that there is no flood risk issue. Level 2 flood risk assessment (FRA) will be required prior to allocation.
- Need to clarify the status of the Haven site extension with regard to whether it is located above a historic landfill site.

- Serious concern about site extension at the Haven due to proximity of Birmingham Airport and increase in noise at this site.
- No objection to Old Damson Lane, the Warren and the Haven as strategic allocations, but wish to outline importance of the reference to the nearby LWSs

Council's response to all representations:

General

- The Council consider the DPD has flexibility if identified sites do not come forward, without the need to allocate additional sites as a contingency measure. However, in any event and as an added measure of flexibility, as well as in response to the consultation (see Section 10), the Council propose to highlight the need to update the GTAA after 5 years, which may then trigger a review of the DPD.
- The site at Canal View was fully considered by the Council as part of the preferred options process and was not considered suitable to be taken forward as an allocation. The site assessment sets out the inappropriateness of the site for allocation.

Policy GTS 2- Old Damson Lane

- The results of the site assessment process has now been updated to incorporate the relationship of the site to the Grade II listed Castle Hills Farmhouse. It is concluded that the proposed Gypsy and Traveller site would have a minimal impact upon the wider setting of Castle Hills Farmhouse and its heritage assets including the surviving buried archaeology around it.
- The Council welcomes support the site and for reference to the LWS in the policy.
- The Council is confident that the number of pitches indicated can be provided on the site. The Council has had dialogue with the registered social landlord who has a funding allocation for the provision of pitches at this site and the 11 pitches proposed have been agreed with them. In addition, there is no 'one size fits all' measurement of a pitch and a number of other factors have been considered such as site size, the Government's Good Practice Guide, the physical characteristics of the site and the requirements of potential occupiers.
- It is not considered necessary to consider whether the site is suitable for development in accordance with Policy GTS 6. The site assessment criteria has determined the principle of whether sites are suitable for development, with Policy GTS 6 providing more site specific detail about what will be required as part of a detailed planning application.
- Although the site assessment process recognises where LWSs would be affected, the assessment did not address specific detailed impacts as any future planning application will need to consider these and identify the mitigation measures that may be required. This is consistent with the approach adopted for mainstream housing and employment allocations within the SDLP. With regard to safe access, the assessment process included a highway assessment which concluded that there would be no significant highway safety issues at the site. On the issue of noise from Birmingham Airport, at present the site is within the 54 – 57 dB(A) LEQ contours (the lowest ranges on the daytime aircraft noise contour maps as prepared in support of the planning application

for the runway extension at Birmingham Airport). In 2030, with the runway extension, the site moves into the 57 – 60 dB(A) LEQ contour. However, aircraft noise was not considered to be an issue in the decision to grant planning permission for other Gypsy and Traveller accommodation at this site.

- The Council is confident that the site at Old Damson Lane can accommodate the number of pitches identified outside the flood zone. Although the Environment Agency have stated that a level 2 FRA will be required prior to allocation, a more detailed level 3 FRA has already been undertaken in support of the recent planning application for 7 pitches on the land. This level 3 FRA also included maps which covered the wider site (including the allocated site) and shows the modelled extent of flood risk. A large proportion of the site is outside the area prone to flooding and the 11 pitches proposed will be accommodated within these areas.

Policy GTS 3 – The Warren

- The Council welcomes support for the site and for reference to the LWS in the policy.
- The Council has had dialogue with the site owners / occupiers who are confident that the number of pitches proposed can be delivered on the site. In addition, as there is no ‘one size fits all’ measurement of a pitch, a number of other factors have been considered such as site size, the Government’s Good Practice Guide, the physical characteristics of the site and the requirements of potential occupiers. The Council is confident that the number of pitches indicated can be provided on the site.
- It is not considered necessary to consider whether the site is suitable for development in accordance with Policy GTS 6. The site assessment criteria has determined the principle of whether sites are suitable for development, with Policy GTS 6 and the individual site allocations policies providing more site specific detail about what will be required as part of a detailed planning application.
- Although the site assessment process recognises where LWSs would be affected, the assessment process did not address specific detailed impacts as any future planning application will need to consider these and identify the mitigation measures that may be required. This is consistent with the approach adopted for mainstream housing and employment allocations within the SDLP.

Policy GTS 4 – The Uplands

- The Council welcomes support for allocation of the Uplands site.
- The Council is aware of the planning history at the Uplands. However, the site performs well against the assessment criteria and planning permission would still need to be granted to formally authorise the site. Any future breaches of planning permission would be dealt with by enforcement procedures.
- As with all the Council’s proposed allocated sites, rejected sites and existing authorised sites, the Uplands is in the Green Belt. Green Belt development should not be approved except in very special circumstances. However, the Council has an identified unmet need for Gypsy and Traveller accommodation and no available sites outside the Green Belt which, it is considered, amount to very special circumstances. The assessment process has sought to ensure that only the most suitable sites have been taken forward as allocations.

- The Council's Gypsy and Traveller Accommodation Assessment (GTAA) provides evidence of the unmet need for Gypsy and Traveller pitches in Solihull. Some of this need arises from families residing on existing unauthorised sites such as the Uplands.
- Some of the reasons given as to why the site at the Uplands should not be allocated are not material planning matters and have not therefore been considered by the Council.

Policy GTS 5 – The Haven

- The Council has had confirmation from GEO that their network runs down the verge bordering the site and across the entrance. Therefore, the Council have been advised to contact GEO should any works be undertaken within the main entrance to the Haven or any works in the footpath/verge along Catherine De Barnes Lane to ensure such apparatus is protected. Deliverability of the Haven will not be at risk as a result of the presence of GEO apparatus near the site.
- The Council welcomes support for the site and for reference to the LWS in the policy.
- The Council has had dialogue with the site owner who is confident that the number of pitches proposed can be delivered on the site. In addition, as there is no 'one size fits all' measurement of a pitch, a number of other factors have been considered such as site size, the Government's Good Practice Guide, the physical characteristics of the site and the requirements of potential occupiers. The Council is confident that the number of pitches indicated can be provided on the site.
- It is not considered necessary to consider whether the site is suitable for development in accordance with Policy GTS 6. The site assessment criteria has determined the principle of whether sites are suitable for development, with Policy GTS 6 and the individual site allocations policies providing more site specific detail about what will be required as part of a detailed planning application.
- The existing Haven site already has planning permission. Any concerns about the site conditions at the existing Haven site can be reported to the Council and dealt with by the relevant department e.g. public protection. A detailed planning application for a site extension at the Haven will need to ensure that site conditions are satisfactory for future occupants and adhere to the principles in Policy GTS 6.
- The Council accepts that there are noise issues at the site due to its proximity to Birmingham Airport. However, predicted noise contour maps for 2030 submitted with the planning application for Birmingham Airport's runway extension show that the area identified for the Haven's site extension is further away from the higher (69 dB(A) LEQ) noise contour than the existing site, which did not require relocation as part of the airport's future growth plans. In addition, the Birmingham Airport Noise Action Plan 2010 – 2015 acknowledges that today's aircraft are anticipated to be replaced by even quieter models in the future.
- The Council is responsible for maintaining records of historic landfills in the area. The Council cannot find any records to indicate that a historic landfill is present at this site.

Recommended changes to the DPD in response to representations:

See recommendations in Section 10.

Chapter 8 – Detailed Planning Considerations and Safeguarding

Representations received – respondent ID number(s):

10, 15, 22

Policy GTS 6 Detailed Planning Considerations - Key issues raised by the above representations:

- Objection that GTS 6 does not include a specific reference to the need to design out crime. Additional wording suggested.
- There should be a reference that pre-application advice should be sought from PCCWM. Additional wording suggested.
- Objection that GTS 6 does not refer to opportunities to integrate biodiversity into Gypsy and Traveller site design.
- GTS 6 should not require private sites to have regard to the Good Practice Guide which is designed for socially provided sites.

Policy GTS 7 Safeguarding – Key issues raised by the above representations

None

Council's response to all representations:

- The Council considers that it may be appropriate to include a reference to the need to design out crime.
- It is not considered appropriate to include a specific reference requiring pre-application advice to be sought from PCCWM. The issue of whether the PCCWM should be formally consulted on planning applications for Gypsy and Traveller sites will be discussed with the Council's Development Management team. However, the Council recognise that the Government's good practice design advises that local consultation should include local police for advice on security.
- See 'Council's response to all representations' in Chapter 5 for comments in response to biodiversity issues.
- The Council recognise that the Government's good practice guide on 'Designing Gypsy and Traveller Sites' is primarily intended to cover social site provision, however, the document identifies good practice which is equally applicable to both socially provided and privately provided sites. The Council recognise, as stated in the guidance, that it may not be appropriate to use the good practice guidance in isolation to decide whether a private application for site development should be given planning permission. Hence, the reason for other criteria listed in Policy GTS 6.

Recommended changes to the DPD in response to representations:

Insert the following text in the first sentence of Policy GTS 6:

"Proposals for development will be expected to have regard to guidance outlined in the Government's good practice guide on 'Designing Gypsy and Traveller sites' **where appropriate**, and; ..."

Include the following additional bullet point to Policy GTS 6

- “• **Promote community safety and social cohesion through measures such as natural surveillance on site.**”

Chapter 9 – Delivery and Monitoring

Representations received – respondent ID number(s):

None

Key Issues raised by the above representations:

N/A

Council’s response to all representations:

N/A

Recommended changes to the DPD in response to representations:

Replace text in paragraph 9.1.2 as a result of miscellaneous comments in response to flexibility of the DPD and updating the GTAA (see recommendation in Chapter 10).

Chapter 10 - Miscellaneous Comments

Representations received – respondent ID number(s):

1, 7, 8, 9, 10, 12, 15, 16, 19, 20

Key Issues raised by the above representations:

- Objects to the DPD in general because it will result in an uneven distribution of traveller sites within Solihull
- Generally satisfied that the document has given full consideration to the natural environment
- Support for the plan and pleased to see Solihull Council making provision for this sector of the community
- Support for the draft document. The number of pitches proposed accords with evidence
- No regard to 2012 GTAA regarding showpeople and possible further studies. Unclear how Duty to Cooperate has addressed showpeople.
- Assessment of need fails to consider overcrowding at the Haven
- Failure to provide choice in location of sites and small family sites
- The plan is not flexible and offers no fallback position should sites fail to deliver the number of pitches identified. Inflexible in that all need post 2017 is to be met on one site considered to be unsuitable.
- Support for the provision of a transit site but the plan fails to identify a suitable site and the timescale for finding a site is unclear. The Haven should be used as a transit site.
- Alternatives to Green Belt sites have not been considered.
- No objection to the proposed sites as they are unlikely to have a detrimental impact on the operation of the strategic road network
- The DPD and Appendix 1 does not address the social suitability of a site and consider whether issues such as crime and fear of crime would impact on quality of life and community cohesion.
- Concern that the location of sites may impact on a chain of hotels and restaurants. Detailed responses will be made when planning applications are submitted.
- General support for the document but considers that the policy text should recognise that other sites may come forward through the planning application process. Future reviews of need will be required and may determine the need for additional provision.

Council's response to all representations:

- Due to the nature and constraints of the Borough, the lack of identified land and the need to provide sites in the most suitable locations, it is not practical or sensible to allocate sites based purely on geographical distribution. There are a range of other factors to consider.

- The Council welcomes the general satisfaction and support for the document.
- The 2012 GTAA identifies that there are no Travelling Showpeople known to be living in the Borough, implying that there is a nil level of need. The 2008 GTAA also identified no Travelling Showpeople resident in Solihull. In addition, considering that there have never been any planning applications made for a Travelling Showpeople site in Solihull together with the fact that there have never been any in the Borough at any of the 6-monthly counts, historical evidence also suggests that there is no need for a site in the Borough. Notwithstanding this, the Council notes comments in the GTAA which states that further work *may* need to be produced across local authority boundaries in partnership with the Showmen’s Guild. The Council would be happy to be involved in this and it may be that this work would form part of any GTAA update or subsequent review of the DPD.
- The Council considers the assessment of need does not fail to address overcrowding at the Haven. The GTAA survey received a 72% response rate which included representation from every site in the Borough (with the exception of the single site with temporary planning permission at the time). The GTAA recognises that the assessment of need must include those whose existing accommodation is overcrowded or unsuitable. Therefore, any overcrowding highlighted at the Haven would have been picked up in the GTAA.
- The DPD seeks to provide choice in site types by providing small family private sites, social rented pitches and private rented pitches.
- It is considered that the DPD offers flexibility. Phasing is proposed such that site allocations can be brought forward should identified sites or pitches fail to materialise. Policy P6 of the SDLP also makes provision for any unmet need to be met through the planning application process. The GTAA will be updated after a period circa 5 years, which may then also trigger a review of the DPD.
- The Council welcome support for the provision of a transit site. The aim of the DPD is to provide guidance to facilitate the identification of a transit site.
- Early in the DPD preparation process the Council undertook a call for sites exercise for Gypsy and Traveller sites. A number of potential sites were suggested to the Council and some existing authorised site owners also indicated that they would like to extend and / or increase the number of pitches at their sites. All of these sites were in the Green Belt with no sites being identified outside the Green Belt.
- The issue of social sustainability has been considered in the assessment process under ‘other issues to consider’ and was raised as an issue in the assessment of the Eaves Green Lane site and the School Road site.
- Policy P6 of the SDLP also makes provision for any unmet need to be met through the planning application process. The Council recognises that future reviews of need will be required which may determine the need for additional provision.

Recommended changes to the DPD in response to representations:

Replace paragraph 9.1.2 as follows to add more flexibility to the DPD and to emphasise the Council’s commitment to keeping the GTAA up to date.

“In the event that any allocated site should fail to deliver the number of pitches, the Council’s approach to phasing site allocations will provide a mechanism for pitches to be brought forward early. Policy P6 of the draft Local Plan also makes provision for any unmet need to be met through the planning application process. Therefore alternative approaches can be pursued if this situation arises. In addition, the Council will update the GTAA in due course (circa 5 years) to ensure the Borough’s evidence of need for Gypsy and Traveller accommodation remains up to date. This may then trigger a review of the DPD.”