



The Planning Inspectorate

Solihull Council's Response to Inspector's Initial Questions (shown in red)

Solihull Metropolitan Borough Council Gypsy and Traveller Site Allocations Development Plan Document Examination

Inspector's Initial Comments / Questions

I have now substantially completed my initial preparatory work and, as I have already advised the Programme Officer (PO), I see no reason to hold a Pre-Hearings Meeting in respect of this Examination.

Hearing sessions

A date for the Hearing sessions is yet to be confirmed. Please note that at least six weeks notice of the commencement of the hearings sessions is required, including press advertisement.

I will be circulating a separate Matters and Issues paper (for comment) and a draft Hearings Programme in due course.

I will produce guidance notes to outline the nature of the hearing sessions. Please note that only those representors who seek some change to the plan can request an oral hearing. There is no formal presentation of evidence or cross-examination; the procedure is an inquisitorial process, with the Inspector asking questions based on the Matters and Issues identified for Examination. The Council and representors will have the opportunity to provide responses to **the Inspector's Matters and Issues, to be submitted approximately 2-3 weeks** before the hearings commence. There is no need for any legal representation, but lawyers are welcome as a member of a team.

Representations

Copies of the representations should be displayed on the Council's web site in an electronic form. The Council has to decide whether the representations are "duly-made", and also has to accept whether to accept late representations. Late representations which are not formally accepted by the Council are not forwarded to the Secretary of State and the Inspector does not consider them. Please note that the Inspector has no discretion to accept late representations.

All responses received by the Council are now on the Council's web site.

Database

I understand that the Programme Officer has access to the Council's database of representations, with all relevant details of the representations and representors. A key element is an indication of which representors have made comments on each policy / paragraph of the Core documents, together with a list of those who request an oral hearing. The Programme Officer will need to produce a schedule of the representations, indicating who wishes an oral hearing or is content with written representations on a policy-by-policy basis. It

would be helpful if the database is self contained; i.e. only includes those who have made representations at submission stage, rather than earlier in the plan process.

Could you please provide me with a list of those who wish to be heard?

The Council is aware of only two representors who have specifically requested to be heard at an oral hearing:

Representor 10 – Alison Heine

Representor 11 – Mrs T Pedley (c/o Mary Philbin)

Contact details are available to the Programme Officer via the database of representations.

Initial Questions to the Council

Meeting with representors / Statements of Common Ground

Q1. Is it the Council's intention to have any further discussions with representors? If so, could the Council please confirm when any statements are likely to be completed?

At present the Council does not intend to have any further discussions with representors in areas of dispute/disagreement; however, upon receipt of the Inspector's 'Main Matters' it will again consider the need to do so, in particular to see whether 'statements of common ground' might be reached.

Core Evidence base

The Inspector has received the Submission Documents and Evidence-based Documents.

Q2. Is any other substantial work / reports likely to be undertaken for the examination, and if so, what is the timetable for such work?

A link to all the Submission and Evidence-based Documents should also be provided on the Council's web-site.

There are no other substantial pieces of work likely to be undertaken for the examination. However, upon receipt of the 'Main Matters' it may be useful for the Council to prepare a background paper if this would assist the Inspector. Subject to agreement from the Inspector, any background paper would be produced 4 weeks in advance of the hearing sessions.

Dealing with Changes to the Local Plan

The Council has submitted a list of 'Proposed Changes' set out in a letter dated 13 June 2013 (DPD 002) and included in a Submission Document dated July 2013 (DPD 001). Nevertheless, the starting point for the Examination will be the Plan that was the subject of public consultation in April (i.e. the April 2013 version).

In considering the Proposed Changes, along with those changes suggested by other parties, I will need to take a view whether any are required for soundness/legal compliance reasons. As you will be aware, in order for me to make such 'main modifications', you would need to formally notify me as to whether you wish to request modifications under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended).

In the absence of a request under section 20(7C), my report would be confined to identifying any soundness or legal compliance failures in the Plan and, if there are such failures, recommending non-adoption of the Plan.

Q3. Please give an indication of the Council's position on main modifications?

If considered necessary the Council would wish to request modifications under Section 20(7C) of the 2004 Act in order to ensure the plan is sound and legally compliant.

This would be advantageous to the efficiency of the examination process and the expectation of participants. Deferring a decision to request modifications until a late stage of the examination may risk both time delay and incur additional examination costs.

Minor changes that do not go to the question of soundness or legal compliance are made solely by the Council on adoption and not by the Inspector.

Ministerial Statement

As you will be aware, on 1 July 2013 a Written Ministerial Statement to Parliament was issued, primarily relating to traveller sites in the Green Belt. All of the proposed sites are in the Green Belt.

Q4. What implications, if any, does the Ministerial Statement have on my examination of the Plan?

It is not considered that the Ministerial Statement issued on 1 July 2013 will have any implications on the examination of the Plan. All of the proposed sites are in the Green Belt; however the Council undertook a 'call for sites' exercise which established that no sites could be identified that were located outside the Green Belt. All existing authorised and unauthorised Gypsy and Traveller sites in Solihull are also in the Green Belt. There is currently an unmet need for pitches in Solihull along with a lack of available, deliverable sites outside the Green Belt, which together, the Council considers to comprise very special circumstances to justify development in the Green Belt. The site assessment process has sought to ensure that despite the lack of alternative options, Solihull is able to meet its own need within its own area and that only the most appropriate sites are brought forward.

Uplands Site

Q5. Has the planning application been determined? If not, when is a decision likely to be made?

The planning application for the Uplands site has not yet been determined. The Council is awaiting additional information from the applicant and at the time of writing it is not yet known when a decision will be made.

Alternatives

No sites were put forward for consideration by the Council that are located outside the Green Belt.

Q6. Did the Council consider any other alternative options? In particular, did the Council consider whether any sites that are allocated for residential development in the Solihull Local Plan (outside the Green Belt), would be suitable to accommodate any gypsy and traveller pitches?

The Council undertook a 'call for sites' exercise as part of the Gypsy and Traveller Development Plan Document (DPD) site allocation process. No Gypsy and Traveller sites were suggested or could be identified on any land outside the Green Belt. Mainstream residential and other uses that were considered for allocation through the Solihull Local Plan were identified through a site proposal form which allowed proposed land uses to be specified. No

site proposal forms were received which proposed any brownfield land to accommodate Gypsies and Travellers or a mainstream residential / Gypsy and Traveller mixed use scheme. Therefore, without support from developers / landowners of brownfield sites in Solihull, it is unlikely that Gypsy and Traveller pitches in such locations would be deliverable.

Duty to Co-operate

Q7. Has the authority entered into any discussions with neighboring authorities to see if there is any scope for those authorities to assist in meeting the requirement for additional pitches in Solihull on land outside the Green Belt?

When preparing the Solihull Gypsy and Traveller Site Allocations DPD the focus has been to **meet the Borough's identified** pitch requirements within the Borough, without relying on neighbouring authorities who are all at different stages of addressing the accommodation needs of Gypsies and Travellers in their own areas. In addition, many neighbouring authorities are equally constrained in terms of their own land-uses and Warwick District Council has already written to their neighbouring authorities with concerns that it may not be able to fully provide for the pitch requirements in its District due to green belt constraints. In Solihull, the Council is taking a proactive approach to meeting the accommodation requirements of Gypsies and Travellers in the Borough and is keen to address their needs within its own area.

Site capacity

Q8. What assessment has the Council carried out on each of the proposed allocated sites to ensure the number of pitches indicated can be accommodated?

There is no one size fits all measurement of a pitch; however the number of pitches that can be accommodated on the preferred sites has been considered with reference to the following:

- Site area
- Work carried out by the Government and experience from other local authorities, which indicate an average pitch size of between 200m² and 300m²
- Designing Gypsy and Traveller Sites: Good Practice Guide (CLG 2008)
- The physical characteristics of the site and the requirements of potential occupiers
- The need to promote the flexible use of land
- Discussions with owners / promoters of the preferred sites
- Relevant planning history and existing unauthorised / temporary uses

Site Visits

Q9. Will it be possible for the Inspector to visit each of the proposed allocated sites prior to the hearing sessions? Can all the sites be viewed from the public highway? If not, the Inspector will need to be accompanied so that she can access the sites (with the owner's permission). Will this be possible?

It will be possible for the Inspector to visit each of the proposed allocated sites prior to the hearing sessions. Most sites are screened from the public highway and / or views of the site are limited. It is therefore suggested that the Inspector is accompanied on site visits in order to access the sites. The Council can arrange this.

Provision for Travelling Showpeople

No provision is made for Travelling Showpeople in Solihull.

Q10. What cross boundary measures will be taken to ensure the needs of the travelling showpeople are met across a wider area?

Current and historic evidence indicates that there is no requirement for a Travelling Showpeople site in Solihull. Similarly, in neighbouring authorities that have updated their Gypsy and Traveller Accommodation Assessments (GTAA's) (Warwick and Stratford-upon-Avon Districts), there is also no requirement for a Travelling Showpeople site. Notwithstanding this, both the Solihull and Warwick GTAA's state that further work **may** need to be produced across local authority boundaries to accurately understand the accommodation needs of this group. Solihull would be happy to participate in cross boundary work with other authorities, in **partnership with the Showman's Guild, should** their updated evidence base indicate a requirement for the needs of Travelling Showpeople to be met across a wider area.

A response to these questions by 2 September 2013 would be appreciated.

Claire Sherratt
Planning Inspector