

Kirklees Local Plan Examination
Hearing Stage 4: Matter 28 – Traveller Sites
Site GTTS2487 – Land South of Bankwood Way, Birstall
National Amusements
January 2018

1.0 Overview

- 1.1 National Amusements welcome the opportunity to participate in the Kirklees Local Plan Examination.
- 1.2 Colliers International have been instructed by National Amusements, freehold owners of the site and trading as Showcase Cinema de Lux at Geldred Road, Birstall, to consider the emerging Local Plan and assess the planning merits of any proposals in the locality of their cinema operation at Birstall.
- 1.3 Local Planning Authorities have a statutory duty to assess accommodation needs of Travellers and to provide suitable sites in Local Development Plans, where there is a proven need. Colliers initially lodged representations on behalf of National Amusements in January 2016 relating to Draft Policy DLP12 'Accommodation for Travellers' and proposed draft allocation GTTS2487 at Bankwood Way, Birstall within the Draft Kirklees Local Plan.
- 1.4 Further representations were submitted in December 2016 in respect of Policy PLP12 'Accommodation for Travellers', proposed allocation GTTS2487 and the 'Rejected Site Options' report which formed part of the Council's evidence base.
- 1.5 In October 2017 Colliers participated in the Kirklees Local Plan Examination Hearing Stage 1: Matter 5 - 'Other Housing Requirements', relative to Policy PLP 12 – Traveller Accommodation.
- 1.6 This further hearing statement responds to the Inspector's Issues and Questions to be addressed under Matter 28 – Traveller Sites, in relation to the proposed site specific allocation GTTS2487.

1.7 The key issue to be addressed is;

“Are the proposed traveller site allocations justified, effective, developable/deliverable and consistent with National Policy?”

1.8 This hearing statement will address the Inspector’s questions in relation to Proposed Allocation GTTS2487 – land south of Bankwood Way, Birstall for 20 pitches comprising 12 permanent and 8 transit Traveller pitches.

2.0 Stage 4, Matter 28: Traveller Sites – Proposed Allocation GTTS2487 land south of Bankwood Way, Birstall

2.1 The overarching issue as to whether the proposed allocation is justified, effective, developable/deliverable and consistent with National Policy is examined through the Inspector’s following three questions;

a) What mitigation may be required to deal with the pylons and power lines which cross the site? Are there implications for indicative site capacity?

2.2 It is considered that the severity of the implications of the pylons and powerlines which cross site GTTS2487 has been largely overlooked by the Council. As outlined previously in our response to the proposed allocations within the draft Kirklees Local Plan in January 2016, (page 42, para 3.4), the site allocation document acknowledges the pylon at the front of the site as a constraint to development. However, due consideration has not been paid to the low-lying power lines which cross the site directly overhead. It is imperative that risks from accidental contact or close proximity to the lines are avoided.

2.3 DCLG guidance “Designing Gypsy and Traveller Sites – A Good Practice Guide” (2008) distinctly advises against choosing sites which are close to electricity pylons (see paragraph 3.17, page 18). The pylon and overhead power lines render the site completely inappropriate for Traveller occupation, given the likelihood of a number of families with young children residing in metal clad structures, such as caravans.

- 2.4 National Grid Guidance also warns against the location of such structures near to powerlines as they can acquire an electrical charge even without contact and would therefore need to be appropriately earthed to reduce the effects of the voltages.
- 2.5 Moreover, National Grid are required to manage and carry out routine maintenance for the components of the overhead power lines. However, National Grid rarely own the land on which they operate and the practicality of undertaking such works will be made more difficult should the site become occupied as a Traveller Site. Disturbance is also likely during the works which presents a threat to residential amenity of any future occupants.
- 2.6 Whilst the powerlines can be diverted, we question whether this approach would be financially viable given the extensive work required in order to do so, and the nature of the proposed end use of the site as a Traveller Site.
- 2.7 Consequently, on the presumption that the power lines and electricity pylon will remain, a minimum safety clearance between the overhead lines and the ground would be required in accordance with the National Grid advice and guidance on development near to electricity lines. This will undoubtedly have an impact on the indicative site capacity for the 20 Traveller pitches required.
- 2.8 Subsequently, there remains uncertainty as to whether the site is suitable for Traveller occupation in terms of safety, maintenance, capacity and residential amenity issues. We therefore consider that the proposed allocation is not justified as suitable for Traveller occupation, nor more preferable to other sites, and there is no guarantee that the site is developable under the constraints identified.
- 2.9 As a result, the proposed allocation cannot be said to comply with National Policy 'Planning Policy for Traveller Sites' (2015) as for a site to contribute to the 5 year Traveller site provision, it must be 'deliverable' i.e. – available now, in a suitable location for development and developable within the five year term.
- 2.10 In light of the outstanding constraints and issues raised in our previous submissions, as well as the undetermined future requirements of National Grid, we consider that the site is not proven to be 'deliverable'.

- 2.11 There are at least 4 other potential sites which we consider are better alternatives that are less constrained than the land at Bankwood Way site and provide a deliverable, effective and justified location. We highlighted these previously in our representations to the Allocations and Designations within the draft Kirklees Local Plan in January 2016, and in our submissions to the publication draft Kirklees Local Plan in December 2016, objecting to both the Rejected Site Options Report and to the proposed allocation GTTS2487.
- 2.12 GTTS2042 – Land south of Dyson Wood Way, Bradley experiences no significant constraints and lies adjacent to an established settlement with good access to local amenities. Whilst the site is adjacent to a designated business and industry zone, similarly to the Bankwood Way site, it offers a location which we consider is more preferable as it is more sustainable in terms of amenities, transport and an absence of environmental constraints. It is also well contained by dense tree belts and vegetation across the site, as well as by the existing housing development to the east and the NHS clinic to the west. At 4.8 Ha, based on 30 pitches per hectare, this site would provide more than the requisite 20 pitches. Given the size of the site and the absence of significant constraints, it is considered that part of the site could accommodate a Traveller Site.
- 2.13 GTTS1959 – Windy Bank Lane, Hightown has very few development constraints. It lies in the Greenbelt but the site is proven to be acceptable for removal, as demonstrated by the previous draft housing allocation. The Rejected Site Options Report 2016 also recognises that its removal “*would only result in limited impact on the openness of the green belt.*”. The site is set back, benefits from a buffer between the site and the existing settlement, has established access and has good access to local services. At 1.3 Ha, based on 30 pitches per hectare, this site would provide the requisite 20 pitches and would leave a sufficient quantity of greenbelt available. The only remaining constraint is in relation to the historic environment. The Scheduled Ancient Monument lies to the west of Windy Bank Lane but is of very limited extent and has apparently suffered damage over the years. It is considered that the designation of this site would therefore not have any detrimental impact on the monument or its setting.

- 2.14 GTTS2051 – Land south of Intake, Golcar is part of an extensive area of land identified as urban greenspace. It is not in significant active use and at 1.43ha, GTTS2051 forms part of a wider extensive area of identified open space. Consequently, a vast majority of the open space could be retained if part were to be allocated for Traveller occupation.
- 2.15 GTTS2055 – Land north of Cinder Hill Road, Holmfirth is designated Greenspace and lies within the Greenbelt, however the amber scoring for the site is considered overly negative given the defensible boundaries as a result of the roads and existing housing to the west. In terms of settlement pattern, the site would not extend past the existing built up area to the north and there is no evidence or comment from the Council to suggest that the removal of this site from the Greenbelt would be detrimental to greenbelt functions. The size of the site at 1.25ha suggests that it could accommodate 39 pitches, thereby exceeding the requirement for 20 pitches. The site is sustainably located on the edge of an existing settlement, near to local amenities, and the site has established access.
- b) Is the site likely to contain significant areas of undeveloped land which are not required for the provision of pitches or mitigation purposes?**
- 2.16 In the absence of any confirmation of the voltage of the powerlines from National Grid, the safe clearance distance that would be required between the overhead wires and any future residential structures, including caravans, cannot be determined. The higher the voltage, the higher the clearance required. Land may also be potentially earmarked for future requirements of the National Grid, which we cannot be certain of. Without consultation with National Grid, we cannot determine the exact developable area of the site.
- 2.17 On the basis of nearby Traveller sites, the approximate capacity per hectare equates to 30 dwellings or thereabouts. The proposed allocation extends to 1.55 Ha, which on the basis of 30 dwellings per 1 hectare would indicate a capacity of approximately 45 dwellings across the site, albeit without constraints. To reduce the capacity by one third to account for anticipated mitigation purposes and National Grid requirements would result in a remaining capacity of 30 dwellings. Given the Council's stated requirement

for 20 dwellings, the remaining capacity equates to an approximate over provision of 10 dwellings.

- 2.18 Irrespective of available capacity, we consider that the uncertainty presented by the existing constraints, pertaining to contamination, coal mining, overhead power lines, and the adjacent industrial uses, do not give certainty that site GTTS2487 is deliverable.
- 2.19 Moreover, the Council have a responsibility to provide sustainably located sites which meet the needs of their occupants/ intended uses. The proposed allocation does not meet needs of the Traveller community as it is located to the rear of a business park, completely bereft of any established settlement or community, adjacent to conflicting industrial uses and in a potentially hazardous location. It is undoubtedly unsuitable for a Traveller site or residential occupation in any form.
- 2.20 As aforementioned, the Urban Greenspace allocations throughout the borough have proven to be restrictive in terms of the availability of land for new homes in sustainable locations, such as those which comprise part of the existing built up areas.
- 2.21 Should the Council still consider that specific site allocations are required, the delivery of Traveller accommodation must be perceived as a use which outweighs the loss of part of the existing greenspace in this instance.
- 2.22 There are several much more appropriate sites available which have been eliminated due to their urban greenspace allocation. This method has resulted in a site over which is wholly unsuitable for residential occupation, at the expense of more suitable sites being eliminated for their assumed important urban greenspace functions, some of which we dispute, as was outlined in our previous representations in January and December 2016. The elimination process on this basis is flawed, excessive and extremely limiting.
- 2.23 Given the unsound reasoning for allocating GTTS2487, we consider that the Council's statutory requirement to provide a sustainably located Traveller Site should outweigh the benefit of some of the low value urban greenspace allocations throughout the borough. The requirement should be an exceptional circumstance, given that proposed

allocation GTTS2487 is not justified nor proven to be effective, and does not align with the national planning guidance for Traveller sites.

**c) When is the site anticipated to come forward for development?
How will it contribute to the five year supply of sites?**

- 2.24 On the basis that there is no certainty that the site is deliverable, we cannot anticipate the timescale for the site to come forward. The series of issues and constraints faced by this site provide no certainty in the deliverability of the site overall, whether in the long or short term.
- 2.25 As aforementioned, there are alternative sites which we consider are immediately available, sustainably located to suit Traveller needs that are not constrained, and are deliverable within the five year period.
- 2.26 On the basis that there is no proven demand for a Traveller Site in this particular location, we do not consider that this is a productive use of land. As outlined in our previous submission to the allocations and designations within the draft Kirklees Local Plan (January 2016) and our objections to the proposed allocation within the publication draft Local Plan (December 2016), other, more preferable sites exist in more sustainable locations with conceivably greater demand due to their level of accessibility, and their proximity to local amenities including schools, shops, public houses and public transport.
- 2.27 The findings from our own independent assessment of the proposed allocation GTTS2487 (see page 9 and 10 of our submission to the allocations and designations document, December 2016) suggested that there are transport constraints in relation to site access and anticipated impacts on the local road network. Numerous objections to the proposed allocation raised concerns over traffic conditions relative to the likely implications of the addition of heavy private vehicles and caravans associated with the Traveller community. Uncertainty also remains in relation to the availability of places at the nearby schools and the remoteness of the site from any established settlement does not provide comfort to prospective occupants that the site will meet their needs. In terms of environmental protection and environmental health, issues relating to

contamination, noise, the pylon, and increased flood risk remain relevant and unresolved. GTTS2487 therefore fails to offer a suitable and sustainably located site for occupation by Travellers.

- 2.28 In light of the needs of the Traveller population, we consider that a lack of demand for this location could attract illegal encampments elsewhere.
- 2.29 Irrespective of demand, as addressed at the Stage 1 Hearing in October 2017, our previous submissions remain valid that there is no substantiated evidence of any further requirements for the Traveller community within Kirklees, and therefore in accordance with National Planning Policy for Traveller sites (2015), a specific site allocation is unnecessary.

3.0 Conclusions

- 3.1 National Amusements are disappointed to observe that GTTS2487 land at Bankwood Way, Birstall is set to remain a traveller site allocation within the emerging Local Plan. Reasoning as to the inappropriateness of the allocated site was outlined in Colliers' representations made in January and December 2016, as well as the most recent Local Plan Examination Hearing (Stage 1) in October 2017. We conclude that the previous observations remain valid, and that there remain to be other sites within the borough which represent more appropriate locations for a Traveller site that meet their needs.
- 3.2 There are numerous unresolved constraints with the proposed allocation GTTS2487, and in terms of overall sustainability, the extent and severity of constraints to development, accessibility to local amenities and vehicular/pedestrian access, there are several sites which are far more appropriate, yet are previously discounted by their inclusions within larger swathes of greenbelt/ urban greenspace allocations.
- 3.3 It is not accepted that numerous sites have been rejected on the basis that they fall wholly or partially within a designated Urban Greenspace area.
- 3.4 It is maintained that the issues and concerns raised in the representations submitted in January and December 2016, and the points raised at the Stage 1 examination hearing in October 2017 are still relevant. We maintain an objection to the findings of the Rejected Site Options Report and propose that some of the rejected sites should be reconsidered for their ability to provide a sustainable location that better meets the needs of Travellers.