

HEARING STATEMENT

MATTER 28 – TRAVELLER SITES

Issue – Are the proposed traveller site allocations justified, effective, developable/deliverable and consistent with national policy?

1. On behalf of AEW UK, the owners of the Centre 27 Business Park, representations have been made in relation to the proposed traveller site allocations within Kirklees. Of concern is the site **GTTS2487 – land south of Bankwood Way, Birstall (12 permanent and 8 transit Gypsy and Traveller pitches)**.
2. As considered at the previous hearing session relating to the pitch requirements for traveller accommodation within the Kirklees area, it is maintained that there is not an identified need for the pitches proposed at Bankwood Way. As such the proposed allocation is not considered to be justified.
3. In relation to whether the site is developable or deliverable, as detailed within the previous evidence submitted on behalf of AEW UK (January 2016 and December 2016), the proposed Bankwood Way site has a number of significant environmental and social constraints, including:
 - The site is poorly located in terms of pedestrian access to services and community facilities;
 - A lack of footway along the site frontage means there will be a requirement for off-site highways works should the site be used for traveller accommodation, the funding source for which is unclear;
 - The site is isolated from the existing local community and local services, such as schools and GPs, thus restricting social cohesion;
 - There are drainage problems identified on site, but no surface water drainage solution has been identified;
 - There are overhead power lines crossing the site and an electricity pylon within the site, which will significantly impact on the developable area of the site and impact on future residents;

- The site is a former landfill requiring on going waste control measures, resulting in potential harm to future residents;
 - The site is within a coal mining risk area;
 - The site is located within a Middle HSE Risk Zone, which is of concern based on the nature of the accommodation proposed;
 - Adjacent to heavy industrial and waste management uses which are assumed to have permission to operate 24 hours a day, resulting in significant noise impacts for potential nearby residents; and
 - The proposed use would be in conflict with the adjacent proposed employment allocations.
4. In light of the above and the previous evidence submitted, it is considered that the site proposed at Birstall is not only undevelopable / undeliverable, but it is also the antithesis of the type of site supported by the 'Designing Gypsy and Traveller Sites – A Good Practice Guide' and related policies for traveller sites.
5. The site is also contrary to the NPPF, as it does not represent sustainable development in terms of any of the three dimensions identified at paragraph 7 of the NPPF:
- *Economic role* – the proposed development would not contribute to building a strong, responsive and competitive economy, as it would result in a land use (residential) in an incompatible location (an employment area). A traveller site in this location would have a negative impact on the existing and proposed employment provision in the area;
 - *Social role* – the Birstall site would not supporting a strong, vibrant and healthy community, as it would provide residential accommodation which is not accessible to local services and does not reflect the Traveller community's needs in terms of health, social and cultural well-being. The proposed site would not represent a high quality built environment due to the identified environmental problems with the site;
 - *Environmental role* – the proposed site would not contribute positively to protecting and enhancing the natural, built and historic environment; and would not help to improve biodiversity, or use natural resources prudently. In particular, the site is not previously developed land.

6. In terms of the Local Plan, it is maintained that the proposed site is at odds with emerging policies in the Local Plan to protect existing employment land. As such it is totally inappropriate as a future location for either permanent or transient traveller accommodation.

7. It is considered that, should it be determined that there is a requirement for additional pitches, there are other sites within Kirklees that would be more appropriate. A review of the sites assessed by the Council was included within the January 2016 representations, in summary, the review identified the following sites (summarised at paragraph 6.7 of the report) which were potentially preferable locations:

GTTS2043 - Land to the South of, Laurel Drive, Batley
GTTS2044 - Land to the South of, Raikes Lane, Birstall
GTTS2052 - Nunroyd, Dale Lane
GTTS2053 - Land North of, James Street, Liversedge
GTTS1959 - Land to the east of, Windy Bank Lane, Hightown
GTTS1956 - Land north of, Lees hall Road, Thornhill Lees
GTTS2061 - Land to the south of, Woodsome Drive, Mirfield,
GTTS2063 - Land east of, Newsome Road, Newsome
GTTS2064 - Land south west of, Fanny Moor Lane, Lowerhouses
GTTS2065 - Land south of, New Laith Hill, Newsome
GTTS2047 - Land to the west of, Upper Clough Road, Linthwaite
GTTS2049 - Land south west of, Cumberworth Lane, Denby Dale
GTTS2051 - Land south of, Intake, Golcar
GTTS2054 - Land east of, Homfirth Road, New Mill
GTTS2055 - Land north of, Cinder Hill Road, Holmfirth

8. It is considered that the sites are all in sustainable locations. In most cases a range of community services and facilities are in safe walking distance or accessible by public transport. This would reduce isolation and lead to improved social cohesion. The sites offer opportunities for sustainable modes of transport and would not necessarily lead to dependence on private vehicles.

9. None of the sites have any identified environmental constraints, such as contamination, overhead electricity lines or significant adjacent heavy industry. No significant heritage, biodiversity or flooding issues have been identified which effect the sites. It is also

stressed that none of these sites would result in the negative economic effects that the Bankwood Way site is already having, even just as a potential allocation.

10. A number of the sites considered to be acceptable are also shown as 'Urban Green Space'. The Urban Green Space policy, Draft Policy PLP 61, sets out the protection of these sites from development and local exceptions where development may be permitted. The Policy states that development of Urban Green Space will be acceptable where there is a substantial community benefit that clearly outweighs the harm resulting from the loss of the existing green space.
11. In this case the community benefit of providing appropriately located pitches for the traveller community cannot be ignored and are considered to be substantial. As such it is recommended that one or, more appropriately, a series of the sites identified above should be considered for removal from the Urban Green Space allocation and given a traveller accommodation allocation. Many of the sites identified are small parts of much larger Urban Green Space areas and as such their allocation would not lead to a significant loss of Urban Green Space within a specific location.
12. Overall, it is considered that, in accordance with the NPPF there are more appropriate sustainable sites within the Kirklees area. As such these sites should be given further consideration before the Council commits to one poorly located, unsustainable site for traveller accommodation for the entire Borough.
13. **In light of the above, and the previous representations submitted, the traveller site allocation at Bankwood Way is not justified, effective, developable/deliverable and consistent with national policy. AEW UK therefore object to the proposals for site GTTS2487 and it is requested that the site be removed from the Draft Local Plan Allocation and Designations.**
14. In relation to the specific questions set out by the Inspector, the following comments are made:
 - 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?
15. The pylon and overhead line route cuts directly across the centre of the site and as such is a major constraint to development and site capacity. Any traveller pitches would need to be in close proximity to the pylon and overhead lines, thus creating a poor environment for residential accommodation.

- b) Is the site likely to contain significant areas of undeveloped land which are not required for the provision of pitches or mitigation purposes? If so, what are the long-term plans for this area?
16. It is not clear how the proposed site boundary was reached and why it is the size proposed. Further information on the Council's long-term plans for the site should be made clear.
- c) When is the site anticipated to come forward for development? How will it contribute to a five-year supply of sites? Will the scheme be delivered by the Council?
17. As set out above, and in the previous representations made, the site is not considered to be either developable or deliverable, this is due to the significant environmental constraints with the site and surrounding area. As such it is maintained that it will not contribute to the five-year supply of site, as identified by the Council. Further information on how the scheme will be delivered is crucial to assessing this point.

Arcadis 25th January 2018
ARCADIS (incorporating Brooke Smith Planning)