



Yvonne Parker
Kirklees Programme Officer
9A Priory Court,
Burnley
BB11 3RH

22nd January 2018

Dear Sir/Madam,

Re: Kirklees Local Plan Examination Final Representation

Stage 4 Hearing – Matter 28 - GTTS2487 – Land south of Bankwood Way, Birstall (12 permanent and 8 transit Gypsy and Traveller pitches)

This final representation is submitted in response to the Inspector's questions relating to Matter 28 of the Stage 4 Hearing Sessions for the Kirklees Local Plan. For the reasons set out below, the Local Plan is not considered to be sound as currently drafted. In order to remedy the below matters it is recommended that proposed allocation GTTS2487 should be deleted.

This representation should be considered alongside previous representations made on 22nd January 2016 and 21st November 2016.

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?

Whilst there is no national guidance on required required stand-off distances to power lines, in practice there are operational and amenity reasons for providing a buffer zone around overhead power lines. In our experience, a stand-off distance of 15-25 metres can be required, particularly in circumstances such as those of the Bankwood Way site, where the nature of the accommodation is potentially less resilient than a bricks and mortar dwelling.

The basis on which the Local Planning Authority (LPA) has calculated their indicated site capacity is unclear. The total site area of GTTS2487 is 1.55 ha (15,500 sqm). Whilst more recent advice has suggested that pitch size will depend on location and on-site services, guidance set out in Circular 01/2006 indicates that a pitch size of at least 500 square metres would comfortably accommodate the following on pitch facilities:

- Hard standing for 1 touring/mobile caravan and 1 static caravan
- 2 car parking spaces
- 1 amenity block
- Hard standing for storage shed and drying
- Garden/amenity

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If we assume that each 500 sqm area represents one transit and one permanent pitch, the proposed provision would occupy a total of 6,000 sqm, plus a further 20% of the total site area (3,100 sqm) for the provision of access and drainage areas. This equates to 59% of the site area.

This level of coverage does not necessarily indicate that sufficient capacity remains to provide the required buffer to the power line. The Kirklees Accepted Site Options document (July 2017) indicates that there are limited surface water drainage options relating to the site and that consideration of potentially contaminated land and noise sources will be required. This is likely to have implications for the developable site area, particularly in combination with identifying a suitable location for the highways access.

Government guidance on Designing Gypsy and Traveller Sites (2008) states that sites must not be located on contaminated land (paragraph 3.16). Only where land has been properly decontaminated should development be considered on that land, however it is noted that this can be prohibitively expensive and should be considered only where it is financially viable from the outset. The greater noise transference through the walls of trailers and caravans than through the walls of conventional housing, and the need for design measures (for instance noise barriers) to abate the impact on quality of life and health is also noted.

Furthermore, in designing a site, all routes for vehicles on the site, and for access to the site, must allow easy access for emergency vehicles and safe places for turning vehicles. 4.26 To enable this, suitable roads must be provided, with no caravan or park home more than 50 metres from a road. Vehicular access and gateways must be at least 3.1 metres wide and have a minimum clearance of 3.7 metres. Roads must not be less than 3.7 metres wide, or if they form part of a one way traffic system, 3 metres wide.

It is not considered that sufficient information has been provided by the LPA to address these concerns. On this basis, the proposed allocation is considered to be undeliverable and therefore inconsistent with national policy and as a result, unsound.

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?

As outlined above, depending on the mitigation required to address identified site constraints, it is possible that there may be an area of undeveloped land remaining following the implementation of the allocation. There is no indication from the LPA of how this remaining land could be developed.

This is an important issue as the site represents release of land from the Green Belt. Policy E of the national guidance regarding traveller sites (2015) states that "inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances." (para. 16)

As set out in our previous representation, the LPA has not presented evidence of a need for none bricks and mortar gypsy and traveller pitches in Kirklees. Although there is an identified requirement for eight transit pitches, there is sufficient space on an existing gypsy and traveller site, which is proposed for

expansion, at Dewsbury to accommodate this need. Such an expansion is likely to be more economically viable as existing services are already present within the site.

It is not considered that exceptional circumstances are therefore demonstrated for the removal of the site from the Green Belt. Nor, in response to the Inspector's questions, does the proposed allocation represent efficient and sustainable development in accordance with the National Planning Policy Framework (the 'Framework'). Our wider comments in respect of the sustainability of the site are set out in our previous representations.

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?

The LPA's evidence base does not indicate when the site is anticipated to come forward or how it will be financed. There is no demonstrable need for the site and it is not therefore required to contribute to the five year supply of sites. The proposed allocation of the site does not meet the exceptional circumstances test required to release land from the Green Belt, nor does it represent efficient use of the site based on the above information.

If the Inspector considers that a contingency site may be required, in the event that the development of the gypsy and traveller site at Dewsbury is constrained, our previous representations provide evidence that more suitable and efficient sites are available within the Borough to address this potential need. The release of such sites can be triggered based on a criteria based policy, as advocated at Policy A of the national gypsy and traveller guidance (2015), in order to trigger the release of the site should the Dewsbury site fail to meet future need.

Conclusion

In summary it is considered that the site is not required, or deliverable for gypsy and traveller accommodation and would be contrary to policies within the Framework and Planning Policy for Traveller Sites.

We acknowledge that the Council has a duty to provide accommodation to meet the needs of Gypsies and Traveller's. However, in planning terms the proposed allocation is unsound, unsustainable and could be better accommodated on an existing site or alternatively a more sustainable site within the District.

We therefore recommend that allocation GTTS2487 is deleted from the Local Plan.

Yours Faithfully

Robert Wilson
Joint Group MD
TC Harrison Group

