

NATIONAL AMUSEMENTS
KIRKLEES LOCAL PLAN EXAMINATION
HEARING STAGE 1: MATTER 5
OTHER HOUSING REQUIREMENTS – TRAVELLER ACCOMMODATION
SEPTEMBER 2017

1.0 OVERVIEW

- 1.1 National Amusements welcome the opportunity to participate in the Kirklees Local Plan Examination.
- 1.2 Colliers International are 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 to assess the planning merits of any proposals in the locality of their cinema operation at Birstall.
- 1.3 Initial objections were lodged to the Draft Kirklees Local Plan in January 2016 in relation to Draft Policy DLP12 ‘Accommodation for Travellers’ and allocation GTTS2487 at Bankwood Way, Birstall. Further objections were lodged in December 2016 to the publication draft Local Plan, relative to Policy PLP12 ‘Accommodation for Travellers’, allocation GTTS2487 and the ‘Rejected Site Options’.
- 1.4 This hearing statement responds to the Inspector’s Issues and Questions to be addressed under Matter 5 ‘Other Housing Requirements’, relative to Policy PLP 12.
- 1.5 The key issue to be addressed is;
- “Have affordable housing needs, traveller accommodation needs and the housing needs of other groups been satisfactorily assessed and addressed in the Plan, in line with National Policy?”*
- 1.6 This hearing statement will address the Inspector’s questions in relation to ‘Travellers’.

2.0 STAGE 1, MATTER 5: OTHER HOUSING REQUIREMENTS

h) Assessment Methodology for Identified Need

2.1 ***Is the assessment methodology in the Council's Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2015) (GTAA) (LE16) justified, effective, robustly based and in line with national policy?***

2.2 In August 2015 the Government published Planning Policy for Traveller Sites. Its overarching aim per paragraph 3 is;

“To ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic life of travellers whilst respecting the interests of the settled community.”

2.3 The following aims set within the national context are considered to be particularly relevant here;

- a. That Local Planning Authorities should make their own assessment of need for the purposes of planning.
- b. To ensure that Local Planning Authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- h. To increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.
- j. To enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure.

2.4 National Planning Policy emphasises the need for timely, effective and on-going community engagement as well as the “use of a robust evidence-base to establish accommodation needs”.

2.5 Paragraph 9 of 'Planning Policy for Traveller Sites' (August, 2015) states;

“Local Planning authorities should set pitch targets for gypsies and travellers and plot targets for travelling show people which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities.”

2.6 The assessment methodology used to determine the need for additional gypsy and traveller pitches, as detailed in the arc4 study “Kirklees Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2015”, states that interviews were unable to be secured with any gypsy Travellers living in bricks and mortar. As a result, the study makes assumptions based upon surveys elsewhere in 39 other Local Authorities.

2.7 Given that the assessment of the need for gypsy/traveller pitches is zero if no allowance is made for people currently living in bricks and mortar, in accordance with new policy guidance, the assumptions made based upon surveys elsewhere are potentially inaccurate and misrepresentative of the actual local need in Kirklees.

2.8 This conflicting information represents a lack of a robust evidence base to inform the preparation of Policy PLP 12. It is held that the assessment methodology falls short of being effective, justified and in line with national policy.

i) Updated “Traveller” definition

2.9 ***Are there any implications from the Government’s updated definition of gypsies and travellers, as set out in Planning Policy for Travellers Sites (2015)?***

2.10 The new revised guidance from August 2015 under Annexe 1 alters the definition of ‘Travellers’ as follows;

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

As such, it would be reasonable to assume that this definition will only cover those who are actually travelling or planning to travel and therefore excludes people living in bricks and mortar.

2.11 The arc4 study on page 42 states that total demand over the next five years (between 2014/15 to 2018/19) in Kirklees is 12 pitches, minus a current supply of 2 authorised pitches, with no turnover assumed. The overall calculated shortfall across Kirklees is therefore 10 pitches.

2.12 However, according to the arc4 study at 6.19;

“There is a total demand over the next five years (2014/15 to 2018/19) for 12 pitches in Kirklees (Table 6.1) compared with a supply of two authorised pitches, with no turnover assumed. The result is an overall shortfall of 10 pitches across Kirklees. However, if assumptions around households living in bricks and mortar accommodation are excluded from analysis, the overall shortfall reduces to zero.”

2.13 Importantly, the arc4 study also recognises at 6.20;

“The above should be viewed as a minimum requirement based on the current supply of pitches and assumptions regarding need from households living in bricks and mortar dwellings. However, with the new revised guidance altering the definition of Travellers it is actually more likely that these may be seen as a maximum given that the new definition focuses on the needs of those who are actually Travelling or planning to travel.”

2.14 The arc4 study concludes at 10.2 that the research has evidenced;

“An overall five year requirement (2014/15 to 2018/19) (no turnover assumed) of 10 Gypsy and Traveller pitches (including bricks and mortar allowance) or zero pitches (excluding bricks and mortar allowance)”

2.15 We therefore consider that under the Government's new guidance, there is no identified need for additional sites for traveller accommodation in Kirklees. No specific allocation is required.

j) Identified Need

2.16 ***What is the total identified need for gypsy and traveller and travelling showpeople sites over the Plan period between 2013 and 2031? Should the need figure be included in the Plan? What is the breakdown of need within this period? What types of sites are required, e.g. public or private?***

2.17 A specific allocation is not inevitably required given that the assessment of the need for gypsy/traveller pitches is zero if no allowance is made for people currently living in bricks and mortar, in accordance with national planning policy.

k) Deliverability

2.18 ***Is the identified need for additional traveller sites deliverable over the Plan period?***

2.19 In terms of deliverability, we do not consider that the identified need for additional traveller sites is deliverable over the Plan period on the basis that allocated site GTTS2478 at Bankwood Way, Birstall, deemed appropriate for 20 pitches, is unsuitable.

2.20 There are a number of identified outstanding issues with allocation GTTS2478, as set out in our previous representation to the publication draft Kirklees Local Plan in December 2016, that the Council has not resolved. 'Planning Policy for Traveller Sites' requires that a site must be deliverable for it to contribute to the 5 year traveller site provision.

I.e. a site;

'should be available now and offer a suitable location for development, and be achievable with a realistic prospect that development will be deliverable within 5 years'. The unresolved issues bring into question the deliverability of the site.

I) Identification and Site Assessment

- 2.21 How were potential traveller allocation sites identified and assessed? Did the search focus on particular areas or apply across the borough? Were sites in the Green Belt considered for allocation and for safeguarding?**
- 2.22 The Council considered 37 traveller sites and rejected 35 options as being unsuitable for traveller accommodation. The 'Rejected Site Options Report' sets out a traffic light assessment of these sites, which was not produced for the proposed allocation sites. We consider that the summary 'scoring' for the rejected sites against the proposed allocation is inconsistent, as the rejected sites summary is presented differently to that of the allocated site. No explanation has been given as to why the Bankwood Way, Birstall and Ridings Road, Dewsbury sites were not considered in the same way as the rejected sites.
- 2.23 In terms of the assessment of the site options, it is held that the decision to reject some of the sites within the context of PLP Policy 12 'Accommodation for Travellers' is not adequately justified nor soundly based. Representations were lodged to the Proposed Local Plan in respect of allocation GTTS2487 at land south of Bankwood Way, Birstall.
- 2.24 We consider that overall Birstall is not an appropriate location for a site for pitches for Gypsies and Travellers, should the need for a specific site allocation still be identified by the LPA (an issue addressed separately in our representations to the Strategies and Policies document). Additionally, we consider that of the 37 sites assessed, 13 of them were hastily discounted. These were GTTS 1955, 1956, 1959, 2042, 2044, 2045, 2047, 2049, 2051, 2055, 2057, 2060 and 2061.

- 2.25 We considered all of the sites within the “Rejected Site Options” document, and each site was summarised in terms of its location and proximity to shops and services, as well as the apparent reasons for the rejection of each site.
- 2.26 Our assessments arrived at different conclusions to those in the LPA documents, as we found that there was no evidence to support that the allocated site GTTS2478 at land south of Bankwood Way can be distinguished from and preferred to the above 13 sites noted. Subsequent explanations were provided in our initial objections as to why we reached a different conclusion to the LPA and we requested that a more detailed, transparent and comparative analysis was required, which has not been provided.
- 2.27 We have also had regard to the advice of Policy E of DCLG “Planning Policy for Traveller Sites” which states;
- “16. 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.*
- 17. Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.”*
- 2.28 We note that through the preparation of this local plan, the green belt boundaries have been altered variably between deletions, additions and proposed allocations, in which case the Local Plan preparation presents an “exceptional circumstance”. Accordingly, Government guidance consistently identifies the development plan

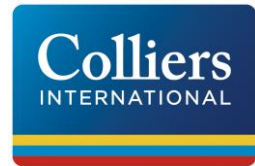
process as an opportunity and as a means by which to reconsider the green belt boundaries.

- 2.29 In which case, the 'Green Belt' assessment criteria used by Kirklees Council for each of the sites is unnecessary as options "remote from any settlement" should not be excluded in accordance with the Government Guidance.
- 2.30 As a result, our conclusions were that 13 sites should not have been discounted. These sites are GTTS 1995, 1956, 1959, 2042, 2044, 2045, 2047, 2049, 2051, 2055, 2057, 2060 and 2061.
- 2.31 The draft plan and the associated documents fail to provide strategic/ site specific evidence that the above 13 sites are distinguished from and less preferable to the proposed allocation.
- 2.32 Therefore, it is considered that the rejection of these sites is unjustified, as there is little explanation provided by the LPA of the reason for the rejection of these sites in preference for the allocated site.
- 2.33 Our own assessment of the rejected site options involved a comparison of the LPA summaries against our own summary assessment of the allocation GTTS2487, which we prepared using assumptions from the description of the allocation within the Draft Local Plan "Allocations and Designations" November 2015 document as well as detailed information in the 'Sustainability Appraisal Report – Annex 5: Sustainability Appraisal Matrices and Maps for Traveller Site Option September 2015. This ensured that conclusions could be drawn based upon on using the same basis for the allocation as is presented for the discounted sites.
- 2.34 When comparing the LPA scores for the discounted sites against our suggested 'scoring' for the allocation, it is clear that there is no differentiation between a large proportion of the sites and the allocated site based upon the available evidence presented to date.

- 2.35 Notably, the ‘Sustainability Appraisal’ assessed the likely impact of the proposed development on existing situations as opposed to considering the merits of the site for the intended use. As a result, several scores in the appraisal are comparable for many sites and do not therefore offer a basis for which to distinguish between the sites.
- 2.36 In this regard, we consider that the rejection of these 13 sites is unsoundly based and has no apparent justification. More detailed comparative assessments are required to justify the rejection of these sites and substantiate the reasoning for the allocation.
- 2.37 Having reviewed the recently updated July 2017 Rejected Site Options Report, there are no apparent differences in the Council’s conclusions and no further detail has been provided to support the findings.
- 2.38 It is maintained that the issues and concerns raised in the representations submitted in January and December 2016 are still relevant. We maintain an objection to the findings of the Rejected Site Options Report and propose that the rejected sites should be reconsidered in relation to their ability to provide a sustainable location for the traveller accommodation required.

3.0 CONCLUSIONS

- 3.1 We consider that the assessment methodology for the Arc4 study which informed the Traveller Accommodation policy is neither sound, nor detailed enough to justify the identified need for additional pitches for gypsies/ travellers in Kirklees.
- 3.2 The evidence on need is such that it would be reasonable to present a criteria based policy against which specific proposals could be assessed. Despite the ‘justification’ that the need for pitches is zero, there is no explanation as to why this approach is not adopted, especially in light of the latest guidance on definitions of ‘travellers’.



- 3.3 We maintain that further comparative, consistent and transparent assessments are required to justify the need and we respectfully request that Policy PLP12 should be revisited to provide a further detailed analysis to justify any need, should this still be considered as a requirement.