



**Solihull**  
METROPOLITAN  
BOROUGH COUNCIL



# Gypsy and Traveller Site Allocations Development Plan Document

Preferred Options Consultation:  
**Council's Response to the  
Representations and  
Recommendations**

Solihull Local Development Framework



November 2012

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## **Section 1: Introduction**

This document provides a summary of the key issues raised in the representations received to the Gypsy and Traveller Site Allocations Development Plan Document (DPD) Preferred Options Paper consultation and the Council's response to those representations.

This document follows the chapter order of the Gypsy and Traveller Site Allocations DPD and provides:

- i) the respondent reference number of representations received on each question
- ii) the key issues raised by respondents
- iii) the Council's response to both the key issues and other issues raised
- iv) Officer recommendations and changes.

Representations received have been summarised and are available in a separate document on the Council's website at <http://www.solihull.gov.uk/ldf/28317.htm>. The document is called the 'Gypsy and Traveller Site Allocations DPD Preferred Options Paper - Summary of Representations Received' and can be found in the 'Attachments' section on the right hand side of the webpage. The document follows the order and questions of the Gypsy and Traveller Site Allocations DPD Preferred Options Paper.

### **Background**

The Gypsy and Traveller Site Allocations DPD will form part of Council's Local Development Framework. It sets out the long-term vision and strategy and allocates sites for Gypsies and Travellers in Solihull. The DPD will guide decision-making on future planning applications for Gypsies and Travellers as well as helping to deliver the Council's Sustainable Community Strategy.

An 'Options' paper was formally consulted on during July and August 2011. The responses and further work informed the preparation of the 'Preferred Options' paper which was subject to consultation in July and August 2012.

### **Data organisation**

For the sake of succinctness, this document lists the respondent numbers only, followed by an overview of the key issues raised, the Council responses to all of the representations received, concluded with recommendations. A summary of all representations are available on the Council's website, as referred to previously.

Every effort has been made to ensure that all responses received have been incorporated in this document and addressed with a Council response.

## **Section 2: Challenges, Vision and Objectives**

### **Representations received:**

10, 13, 15, 16, 18, 22, 25, 30, 38, 88

### **Key issues raised by the above representations:**

#### Challenges

- Broad support for the challenges identified.
- Additional challenges have been suggested:
  - Addressing the poor quality, overcrowded conditions on some existing authorised sites.
  - Considering community relations on sites and being aware of tensions between different sectors of the Gypsy and Traveller community. Tensions do not just exist on unauthorised sites; it also applies to the identification of proposed sites.
  - Balancing provision with protection of the natural environment.
  - Addressing employment issues as many Travellers within the Borough struggle to find work.
- Concern that the challenges are confusing and the challenge relating to Green Belt has been inappropriately drafted; it would be better expressed as two separate challenges.

#### Vision

- Broad support for the vision.
- Concern that, as drafted, the Vision implies that some unauthorised developments will remain within the Borough and this is contrary to the Government's requirement to maintain a 5 year supply of deliverable sites.
- The Vision should also consider community relations on sites and be aware of tensions between different sectors of the Gypsy and Traveller community.
- Some suggested amended wording regarding 'local' need and unauthorised developments.

#### Objectives

- Much support for the objectives and sub-objectives.
- Concern that the objectives do not go far enough to address the issue of community cohesion.
- Some suggested amended wording.

### **Council's response to all representations:**

#### Challenges

- The Council welcomes support for the challenges identified.

- The suggestions of additional Challenges are welcomed. Additional Challenges will be considered including the need to address employment inequalities and those relating to tensions within the Gypsy and Traveller community.
- The need to address poor quality, overcrowded conditions on some existing sites can be addressed through other mechanisms.
- Balancing site provision with protection of the natural environment is addressed through the site allocation assessment process.
- The Council notes comments that some challenges may appear confusing.
- It is noted that one respondent considered that the challenges are not the right ones, there have been challenges missed and that other challenges should be those posed by the electorate. No further explanation is given by the respondent and the Council therefore disagrees with the assertions.

### Vision

- Support for the Vision is welcome.
- The Council agrees that the Vision may imply that some unauthorised developments will remain.
- The comments on community relations and tensions being considered in the Vision is, also noted
- The Council notes the suggested amended wording.
- It is noted that one respondent did not agree with the Vision, although no further explanation was provided.

### Objectives

- The Council welcomes support for the objectives.
- The Council accepts comments on the need for objectives to address the issue of community cohesion and suggestions for amended wording.
- It is noted that one respondent did not agree with the objectives, stated that no alternative objectives should be used and made no other suggestions.

### **Recommendations:**

#### Challenges

- The Council will consider incorporating the additional challenges that have been suggested including the need to reference employment inequalities and tensions within the Gypsy and Traveller community.
- Where necessary, the Council will consider amending the challenges with a view to reducing any confusion.

#### Vision

- The Vision will be amended to clarify the Council's position on unauthorised developments within the Borough.

#### Objectives

- The Council will consider amending the Objectives to incorporate community cohesion issues and minor wording changes.

## **Section 3: The Preferred Strategy**

### **Representations received:**

10, 13, 15, 18, 22, 25, 29, 30, 38, 79, 80, 81, 86, 87, 88

### **Key issues raised by the above representations:**

- Some support for the strategy.
- Some concern that there is not enough spare land in Solihull and there is no need for new sites.
- Some concern that increasing capacity at existing sites could be at the expense of site amenities and may result in overcrowding. Concern that it should not be a blanket approach and be considered on a site by site basis.
- The allocation of new sites needs further explanation regarding the type of sites to be provided. There is a need for transit provision.
- Some concern regarding the co-location of transit pitches with permanent pitches as it could exacerbate community tensions and may not achieve social sustainability.
- There is no need for a new large site; smaller, private sites are more manageable and should be encouraged.
- Some concern that the strategy does not consider the length of time some existing sites have been occupied.

### **Council's response to all representations**

- The Council welcomes support for the preferred strategy.
- Disagree that there is no need for new sites. The 2012 Gypsy and Traveller Accommodation Assessment (GTAA) provides evidence of the unmet need for Gypsy and Traveller pitches in Solihull.
- Disagree that increasing site capacity will result in overcrowding or be at the expense of site amenities. Planning applications for development will need to be submitted and detailed considerations such as whether sites are well designed and laid out will be considered at this stage.
- Agree that some further detail and explanation of the different types of sites to be provided may be required.
- Although the Preferred Options DPD has suggested provision of transit pitches, the Council notes that the responses received raise concerns about such pitches (see Section 6).
- The Council notes the concerns and objections regarding a large scale site in the Borough.
- Although the length of time a site has been present may be an issue, particularly from a social sustainability perspective, the sites that have been taken forward as preferred sites are those that are considered to be the most suitable when considered overall.

**Recommendations:**

- Provide further detail and explanation of the different type of sites to be provided.
- Work with the police and other stakeholders to determine whether concerns about the provision of transit pitches can be overcome. Subject to the outcome, the Council may need to review the location of transit pitches or reconsider whether such provision is appropriate.
- Examine objectors' concerns regarding the provision of a larger site at Old Damson Lane in more detail. Issues regarding community cohesion may be addressed through mitigation measures such as; design and layout solutions, robust site management and protocols, as well as strong pitch allocation policies. Subject to the outcome of detailed design work, it may be necessary to reduce the number of overall pitches on the site and/or reduce the number of social rented pitches.

## **Section 4: The Approach to Preferred Sites**

### **Representations received:**

10, 13, 15, 16, 18, 20, 22, 25, 27, 29, 30, 38

### **Key issues raised by the above representations:**

- Broad support for the approach used to assess the suitability of proposed sites.
- Suggestion that the criteria include consideration of the historic environment, particularly the need to ensure proposals protect and enhance heritage assets and their setting. The site appraisal also needs to also consider; local heritage assets, the potential for archaeology and historic landscape character.
- Objections to the criteria in Policy P6 of the Draft Local Plan (pre-submission) from the Derbyshire Gypsy Liaison Group also apply to the site assessment criteria in the DPD.
- Additional criteria are suggested; social sustainability, access to green space and local conservation designations which align with the hierarchy in the NPPF and Policy P10 of the Draft Local Plan.
- Need clarification of what constitutes a 'settled community', an 'appropriate walking/cycling distance' and 'biodiversity resources'.
- Some concern that it is unrealistic to expect sites to be served by public transport given that many will be located in the Green Belt.

### **Council's response to all representations:**

- The Council welcomes support for the approach that has been used to assess the suitability of sites.
- Policy P6 of the Draft Local Plan provides the overarching criteria to assess the suitability of sites. Since the publication of the Gypsy and Traveller DPD Preferred Options document, the text of Policy P6 has been changed following consultation on the Draft Local Plan. This policy now includes reference to wider sustainability, the historic environment and incorporates changes suggested by English Heritage and Derbyshire Gypsy Liaison Group. The Council does not consider that these changes affect the results of the Gypsy and Traveller site assessments and the Council welcomes English Heritage's comment that the four preferred sites do not appear to raise issues of contention in relation to the historic environment.
- The Council notes the comments on the need for clarification of certain terms.
- The Council recognises that some areas of the Borough, particularly more rural areas are not well served by public transport. However, the Council considers that the most suitable locations for sites should include those that have access to key local services and facilities by walking, cycling or public transport.

### **Recommendations:**

- The Council will provide more detail on what constitutes a 'settled community', an 'appropriate walking / cycling distance' and 'biodiversity resources'.
- The Council will update the DPD to reflect amendments to Policy P6 of the Draft Local Plan.

## **Section 5: Site Assessment Results**

### **Representations received:**

2, 4, 10, 13, 14, 15, 16, 18, 19, 20, 22, 25, 27, 29, 38, 81, 85, 86

### **Key issues raised by the above representations:**

- The site selection methodology should refer to the guidelines for Landscape and Visual Impact Assessment (2002). In terms of landscape, the assessments are not comprehensive and need further detail to be able to draw conclusions.
- All site assessments need to consider the impact on neighbouring Local Wildlife sites.
- Criticism of the site assessments undertaken for those sites in Bickenhill Ward / Parish.
- Have the assessments taken account of vacant pitches?
- Why are 45 of the 48 pitches within or immediately bordering the parish of Bickenhill?
- Some support for the way the site assessments have been carried out but more detailed comments on particular sites have been submitted:

#### Land at School Road, Hockley Heath

- It should not be ruled out due to its size as there is no need to develop the entire site.

#### Land at Eaves Green Lane, Meriden

- The site should not be rejected for the following reasons:
  - Similar to concerns on the School Road site, it may be possible to only develop part of the site.
  - The visual impact of the site is no greater than Old Damson Lane.
  - The site has continued to be occupied without highway incidents.
  - The unauthorised activities of the protest camp should not be taken into account in the assessment. In any case, they have nothing to report.
  - There is no evidence to say that the site could not co-exist peacefully with the local community. SMBC have approved the site at Old Damson Lane adjacent to a dwelling and is recommending that The Warren be extended behind residential properties.
  - There have been material changes in circumstances since the 2011 appeal decision; it was not informed by the updated GTAA or the recent difficulties the Council has had in finding suitable sites to meet need.

#### Land at Old Damson Lane, Solihull

- Question whether this site is available and deliverable as it may be subject to an agricultural lease.
- CLG guidance does not recommend sites in excess of 15/16 pitches.

- Unclear as to what extent the site is affected by aircraft noise.
- Concerned that expanding the site will exacerbate community tensions, there is a history of problems on the site. This could place additional demands on local police resources.

#### The Haven, Catherine-de-Barnes Lane, Bickenhill

- The credibility of the Council is questioned if it suggests extending this site; it is directly under the flight path to Birmingham Airport, is noisy, cramped, overcrowded and the site facilities are poor.
- The site needs to be improved for the existing families.
- Unclear how 12 pitches will fit on the land identified.
- The number of pitches on the site will be increased by almost 100%.
- Serious concerns about expansion of the site given its close proximity to Birmingham Airport. There is likely to be additional noise, air quality and health issues resulting from the airport's planned future growth. The Old Civil Service Sports Club should be reconsidered as it would be significantly less affected by aircraft noise.

#### Old Civil Service Sports Club, off Old Damson Lane

- Following a revised site assessment undertaken by the respondent, it has been suggested that this site should be included as a preferred site.

#### The Warren, Bickenhill Lane, Marston Green

- The assessment has not taken into consideration the impact on local residents.
- The number of pitches on the site will be increased by almost 100%.

#### The Uplands, Dickens Heath Road

- Agreement that the site is unobtrusive.
- The allocation of pitches at this site is too small.

#### Canal View, Salter Street, Earlswood

- The assessment should consider the individual circumstances of the site.
- Consider the assessment has been undertaken unfairly as there is no reason why an increase in capacity should not be permitted.

#### The Pleck, Shadowbrook Lane

- Disagree with the site assessment results.
- Nobody has explained the reasons why the site has been rejected, to the owners.

#### Land adjacent The Pleck, Shadowbrook Lane

- Disagree with the site assessment results.

- One of the reasons to reject the site is due to aircraft noise, yet The Haven has been put forward.
- Access to services and facilities is as good as our neighbours' access.

**Council's response to all representations:**

- The Council note the comments on the need to refer to the guidelines for Landscape and Visual Impact Assessment. However, as the initial site assessments were undertaken to identify the general suitability of each site, it was not considered that such a detailed landscape and visual impact assessment was required at this stage. Further detail will need to be provided at the planning application stage to demonstrate that any unacceptable adverse landscape and visual impact can be adequately minimised or mitigated.
- The assessments recognise where Local Wildlife Sites would be affected, although the assessment process did not address the detailed impact, as any future planning application would need to consider this along with any potential mitigation measures that may be required.
- The Council is content with the assessments that have been undertaken for those sites in Bickenhill Ward/Parish.
- The assessments are to determine whether a site is suitable for Gypsy and Traveller use. The Council are already aware that there are no vacant pitches in the Borough.
- Two the sites are within Bickenhill Parish itself, with one site not coming forward until after 2017. Due to the nature and constraints of the Borough, the lack of identified land and the need to provide sites in the most suitable locations, the Council has sought to bring the most appropriate sites forward and has used the assessment process to do this.
- The Council welcomes support for the way the site assessments have been carried out.

Land at School Road, Hockley Heath

- The Council maintains that the site at School Road, Hockley Heath should be rejected as it considered to be unsuitable, regardless of whether the entire site is developed.

Land at Eaves Green Lane

- The Council maintains that Eaves Green Lane should be rejected for the reasons set out in the site assessment. The unsuitability of the site has been supported by a planning inspector.

Land at Old Damson Lane

- The site at Old Damson Lane is available and deliverable.

- It is noted that CLG guidance states that ideally sites should consist of up to 15 pitches, although it is recognised that larger sites can be created and designed to retain a sense of community.
- It is noted that the site assessment of Old Damson Lane identifies that it falls within noise category B (as defined in Planning Policy Guidance (PPG) note 24 'Planning and Noise'). However, the assessment was undertaken prior to the publication of the National Planning Policy Framework which has revoked PPG 24, meaning that noise categories are no longer used. Instead, reference is made to the Noise Policy Statement for England, which does not provide detailed guidance for the assessment of planning applications. Notwithstanding this, noise mapping shows that the Old Damson Lane site is currently in the same noise band as The Warren. In 2022, with the Birmingham Airport runway extension, the Old Damson Lane site falls within the 54 – 57dB(A) Leq (the lowest ranges on the aircraft noise exposure contour maps). The highest contour being 72 dB(A) Leq.
- The Council acknowledges the concerns raised about expanding the site at Old Damson Lane. See recommendations below.

#### The Haven, Catherine-de-Barnes Lane, Bickenhill

- The performance of The Haven against the detailed planning criteria and an explanation of why the site is considered suitable is provided in the DPD Preferred Options document. It is recognised that the main concerns with this site are around its accessibility to local services and facilities, and noise impact due to the proximity to Birmingham Airport. However, on balance, the site performs well against other criteria and overall, the Council maintains that the site is more appropriate than the rejected sites.
- Any concerns about the site conditions at the existing Haven site can be reported to the Council and dealt with by the relevant department e.g. Public Protection. A detailed planning application for a site extension at the Haven will need to ensure that the site conditions are satisfactory for future occupants and will be expected to have regard to guidance outlined in the Government's good practice guide on 'Designing Gypsy and Traveller Sites'.
- It is recognised that there is not a 'one size fits all' measurement of a pitch. However, assuming an average pitch size of between 200 – 300m<sup>2</sup> and following discussions with the site owner, it is considered that 12 pitches can be accommodated on a site extension at the Haven.
- The number of pitches proposed at the Haven will not increase by almost 100%. The site has planning permission for 25 pitches and 12 additional pitches are proposed.
- The Council accepts that there are noise issues at the site due to its proximity to Birmingham Airport. However, noise contour maps submitted with the planning application for Birmingham Airport's runway extension show that the area identified for the Haven's site extension is further away from the higher

noise contour than the existing Gypsy and Traveller site, which did not require relocation as part of the Airport's future growth plans. Although it is accepted that the Old Civil Service Sports Club would be less affected by aircraft noise, there are other reasons (as detailed in 'Preferred Options' document) why the Council considered this site unsuitable to take forward as a preferred site. In addition, the Old Civil Service Sports Club is identified as an area of compensation, where MG5 (a type of species rich) grassland will be created, to offset Birmingham Airport's runway extension, as agreed through the Section 106 agreement. It cannot be both a compensation site and a Gypsy and Traveller site.

#### Old Civil Service Sports Club, off Old Damson Lane

- For the reasons given above, the Council maintains the results of its own site assessment and consider that the land is unsuitable to take forward as a preferred site.

#### The Warren, Bickenhill Lane, Marston Green

- Disagree that the site assessment has not considered the impact on local residents. The assessment includes criteria on the impact the site would have on the local settled community and the impact on privacy and residential amenity for neighbouring uses. It is considered the number of pitches proposed can be accommodated without compromising how the site performs against the criteria.

#### The Uplands, Dickens Heath Road

- The Council welcomes agreement that the site is unobtrusive.
- Disagree that the allocation is too small. It seeks to regularise what is already present, thereby meeting need.

#### Canal View, Salter Street, Earlswood

- The Council notes the existing occupier's concerns and objections to the site being rejected. However, expansion of the site was fully considered at the Cabinet meeting on 21 June 2012 and it was resolved that the site was not to be included as a preferred site in the DPD.
- The location of the site is such that it bears many of the same characteristics as the neighbouring Gypsy and Traveller site and at a recent appeal at the neighbouring site, a planning inspector noted that the area is part of an attractive rural landscape and recognised harm to the openness of the Green Belt that would result from a site extension. Although the owner of Canal View now only wishes to increase capacity at the site, on balance it is still considered that increasing the number of pitches in this location would have a negative impact on the character and appearance of the area and reduce the openness of the Green Belt.

### The Pleck, Shadowbrook Lane

- The Council maintains the results of the site assessment.
- The reasons for the site being rejected are detailed in the DPD, which the site owner has responded to. The Council have endeavoured to involve the local Gypsy and Traveller community in the consultation and are willing to further explain the reasons why the site has been rejected to the site owner if required.

### Land adjacent The Pleck, Shadowbrook Lane

- The Council maintains the results of the site assessment.
- The site has not only been rejected due to the impact of noise from aircraft. There are other criteria that the site does not meet particularly well, which cumulatively, have resulted in the site being considered unsuitable. Furthermore, noise contour maps submitted with the planning application for Birmingham Airport's runway extension show that by 2022, with the runway extension, land adjacent the Pleck is within a slightly higher exposure category than the site extension at the Haven.
- The Council is seeking to locate new developments in the most accessible locations, where there is an alternative to the private car. One of the criteria for sites therefore includes whether there is accessibility to key local services and facilities by walking, cycling and public transport. It is, however, recognised that sustainability encompasses more than just transport and that social and economic sustainability are also important.

### **Recommendations:**

- Examine objectors' concerns regarding the provision of a larger site at Old Damson Lane and the provision of transit pitches, in more detail. Issues regarding community cohesion may be addressed through mitigation measures such as; design and layout solutions, robust site management and protocols, as well as strong pitch allocation policies. Subject to the outcome of detailed design work, it may be necessary to reduce the number of overall pitches on the site and/or reduce the number of social rented pitches or reconsider whether transit provision is appropriate, providing the DPD still meets the Borough's identified needs.

## **Section 6: The Preferred Sites**

### **Representations received:**

5, 8, 10, 13, 14, 15, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 97

### **Key issues raised by the above representations:**

- Concern that the shortlisted sites will not meet identified needs and more small, private sites are needed.
- Some objection to the Council providing sites for Gypsies and Travellers.
- If the rejected sites are granted planning permission, there will be no need for the large site at Old Damson Lane.
- The needs of the people on the rejected sites have not been considered. The length of time a site has been there and loyalty to the area should have been considered.
- All site assessments need to consider the impact on neighbouring Local Wildlife sites.
- Do not agree with the sites in Bickenhill Ward/Parish.
- Some support for the preferred sites but more detailed comments on particular sites have been submitted:

#### Land at Eaves Green Lane, Meriden

- Need to reconsider the suitability of the site and add the adjoining builders' yard to the shortlisted sites.

#### Land at Old Damson Lane, Solihull

- Strong objection to the proposed site at Old Damson Lane, particularly from the Gypsy and Traveller community themselves (including those who are not currently resident at the existing site at Old Damson Lane) (16 responses). Concern that it is too large, will cause problems and lead to tensions and that there is no demand for such a site.
- A site of 16 to 18 pitches and a possible transit site will be too large and will result in problems (traffic, noise and crime). This will reflect badly on settled Travellers in the area.
- Significant concern over the provision of transit pitches, especially in close proximity to permanent residential pitches.
- Concerned that expanding the site will exacerbate community tensions, there is a history of problems on the site. This could place additional demands on local police resources.

- Some support for the site given its accessibility and the need to provide quality, affordable accommodation.
- The site falls within the M42 Economic Gateway and its potential for future growth should not be prejudiced by expansion of the existing site.
- Concern that expansion of the site may impact on the surrounding highway network and adversely affect Jaguar Land Rover's operations.
- Development needs to be located away from the flood plain. Any proposals within the flood plain will need further flood risk assessment, prior to allocation.

#### The Haven, Catherine-de-Barnes Lane, Bickenhill

- Some objection to The Haven site as it is difficult to see how it will meet the detailed planning considerations.
- Serious concerns about expansion of the site given its close proximity to Birmingham Airport. There is likely to be additional noise resulting from the airport's planned future growth. The Old Civil Service Sports Club should be reconsidered as it would be significantly less affected by aircraft noise.
- The site is located above a historic landfill site. Should the site be developed, appropriate precautions must be taken to protect health.
- Site conditions also mean that alternative drainage arrangements will be required.

#### The Warren, Bickenhill Lane, Marston Green

- Expansion of The Warren will be insufficient for future travellers' needs.
- Disagree that the site is well integrated with the local area. It causes trouble and is well known to the Police.
- Some objection to the proposed site.
- Some support for the proposed site.

#### The Uplands, Dickens Heath Road

- Strong objection to the proposed Uplands site (over 40 responses)
- Disagree that the site should be proposed:
  - The site was not suggested as suitable in July/August 2011.
  - Consultation with Dickens Heath residents has been inadequate and people have not been given sufficient opportunity to make representations.
  - The site has been added at the last minute.
  - The Council are not listening to local people.
  - The site has a difficult planning history. There will be pressure to further expand the site if it is allocated; it is large enough and the occupants are unlikely to adhere to planning restrictions.
  - It is acknowledged that the site has been occupied illegally for some years but that does not mean it should be authorised. Allocation sends

out the wrong message by rewarding people who operate outside of the planning system.

- The family has consistently undertaken development without planning permission; this may result in another 'Dale Farm'.
- The family cause issues in the local area and they have been forced to close their business on several occasions. The family is linked to another property on Tanworth Lane and is related to the family at Salter Street, Earlswood.
- The site is located in the Green Belt and it should be protected from inappropriate development. This part of the Green Belt is in a vulnerable location; further development could adversely affect its openness and result in coalescence of Dickens Heath with Shirley.
- The development is out of character with the area (showcase village of Dickens Heath). It may jeopardise further investment in the area.
- Blythe ward and the south of the Borough are being unfairly targeted. Sites should be distributed evenly across the Borough (i.e. 50% in the North and 50% in the South).
- The area already has its share of Gypsies and Travellers.
- Are these three pitches really needed?
- The total number of pitches proposed by SMBC exceeds the 38 required, so the site is unnecessary.
- Concern that the site will cause traffic problems.
- Unsuitable uses are already being permitted on Tanworth Lane.
- Support that the site should remain but not be extended.
- Support that the site has been selected as a preferred site.

#### Canal View, Salter Street, Earlswood

- Disagree that site should be rejected as it has been here within the community for 26 years. Unfair that the decision appears to have been made based on what has occurred on the adjacent site.
- Just a small increase in capacity is requested. Cannot see why the site is not suitable. It is larger than the adjacent site, there is no overlooking and it is extremely private. For many years 3 caravans were present in any event.

#### The Pleck, Shadowbrook Lane

- Disagree that the site should be rejected; the reasons given are misconceived and inappropriate.
- Some support that it has been rejected.

#### Land adjacent The Pleck, Shadowbrook Lane

- Agree the site should be rejected due to its proximity to a SSSI and a Local Wildlife Site and its visual impact.

### Old Civil Service Sports Club, off Old Damson Lane

- The site has been already identified, through a S106 Agreement, as a compensation area to offset the runway extension at Birmingham Airport.

#### **Council's response to all representations:**

- The shortlisted sites have been identified to meet the different needs of Gypsies and Travellers in the area and provide a range of tenure options. The sites will provide a mix of small private and family owned sites, site extensions to allow for private renting and to meet family growth requirements on existing privately owned family sites and social rented sites for those who cannot afford their own sites or to rent privately. Furthermore, the Preferred Options DPD proposes more pitches than the GTAA identifies.
- One of the key challenges for Solihull as identified in the Solihull Draft Local Plan 2012 is the shortage of authorised Gypsy and Traveller sites to meet identified needs in the Borough. The lack of authorised sites results in unauthorised developments and encampments and provides uncertainty and insecurity for both the Gypsy and Traveller community and the settled community. However, there are no plans for the Council to fund or run a Gypsy and Traveller site, although the preferred site that has been identified at Old Damson Lane is Council owned land. Private and family owned Gypsy and Traveller sites will be funded privately and a Registered Social Landlord as been awarded funding from the Homes and Communities Agency to provide a social rented site in Solihull.
- The rejected sites have not been taken forward as they are considered unsuitable for use as Gypsy and Traveller sites when assessed against the criteria in Policy P6 of the Solihull Draft Local Plan and preferred site selection criteria identified in the Preferred Options document. Only the sites considered most suitable were taken forward as preferred sites. The needs of the Gypsy and Traveller community are being considered through the process of undertaking the Site Allocations Development Plan Document itself. Ultimately the Council need to consider the overall suitability of the site for use as a Gypsy and Traveller site, and although the length of time a site has been present may be an issue, particularly from a social sustainability perspective, the sites that have been taken forward are those that are considered to be the most suitable.
- Although the assessments recognise where Local Wildlife Sites would be affected, the assessment process did not address the detailed impact as any future planning application would need to consider this and any potential mitigation measures that may be required.
- The Council welcomes support for the preferred sites and support for the rejected sites. The Council's responses to the more detailed comments on particular sites are addressed below.

#### Land at Eaves Green Lane, Meriden

- The suitability of the site at Eaves Green Lane has already been examined through the site assessment process and has been considered unsuitable to take forward as a preferred site. The unsuitability of the site for use as a Gypsy and Traveller site has been supported by a planning Inspector who dismissed an appeal against a refusal of planning permission for a Gypsy and Traveller site on this land in October 2011. The council does not therefore consider that the suitability of this site needs to be reconsidered any further. The adjoining builders' yard has been refused planning permission and is not therefore considered suitable either.

#### Land at Old Damson Lane, Solihull

- The Council notes the level of objection, particularly from the local Gypsy and Traveller community, to a large scale site, including the provision of transit pitches at Old Damson Lane. Although the Council considers that the site would generally perform relatively well against the site assessment criteria outlined, having considered the responses, the Council will examine objector's concerns in more detail. Subject to the outcome of detailed design work, it may also be necessary to reduce the number of overall pitches on the site, and/or reduce the number of social rented pitches or reconsider whether transit provision is appropriate, providing the DPD still meets the Borough's identified needs.
- The Council notes the significant concern about the provision of transit pitches, particularly from the local Gypsy and Traveller community. Although it is the Council's intention to proactively manage the issue of Gypsies and Travellers passing through the Borough, this must not be at the expense of social sustainability and the possibility of tensions arising between the transient and settled Gypsy and Traveller population.
- The Council welcomes support for the site and the need to provide affordable accommodation.
- It is not considered that the potential for future growth within the M42 Economic Gateway will be prejudiced by an expansion to the site at Old Damson Lane. The site assessment of land at Old Damson Lane concluded that additional pitches would be unlikely to have an adverse impact on highway safety.
- The Council recognises that part of the site lies within the floodplain. A flood risk assessment will need to be undertaken for this site and any further development at the Old Damson Lane site will be directed outside the floodplain.

#### The Haven, Catherine-de-Barnes Lane

- The performance of The Haven against the detailed planning criteria and an explanation of why the site is considered suitable is provided in the DPD

Preferred Options document. It is recognised that the main concerns with this site are around its accessibility to local services and facilities, and noise impact due to the proximity to Birmingham Airport. However, overall, the Council maintains that the site is more appropriate than the rejected sites.

- The Council accepts that there are noise issues at the site due to its proximity to Birmingham Airport. However, noise contour maps submitted with the planning application for Birmingham Airport's runway extension show that the area identified for the Haven's site extension is further away from the higher noise contour than the existing Gypsy and Traveller site, which did not require relocation as part of the Airport's future growth plans. Although it is accepted that the Old Civil Service Sports Club would be less affected by aircraft noise, there are other reasons (as detailed in 'Preferred Options' document) why the Council considered this site unsuitable to take forward as a preferred site. In addition, the Old Civil Service Sports Club is identified as an area of compensation, where MG5 (a type of species rich) grassland will be created, to offset Birmingham Airport's runway extension as agreed through the S106 agreement. It cannot be both a compensation site and a Gypsy and Traveller site.
- The Council notes the comments that the site extension is located above a historic landfill site.
- The Council notes the fact that alternative drainage arrangements will be required. This can be considered at the planning application stage.

#### The Warren, Bickenhill Lane

- The Council disagrees that the expansion of the Warren will be insufficient for future Travellers' needs. The expansion of this private, family owned site will help to meet the existing family's own future growth, as well as making a contribution to increasing the number of pitches in the Borough.
- The Council has no evidence to suggest that the site does not integrate well into the local area. Comments from West Midlands Police have raised no objection to the inclusion of this site as a preferred site.
- The Council welcomes support for the inclusion of this site.

#### The Uplands, Dickens Heath Road

- The first round of public consultation on the Gypsy Traveller Site Allocations Development Plan Document (DPD), as referred to by many of the respondents objecting to the Uplands site, was undertaken in July and August 2011 [www.solihull.gov.uk/Attachments/Gypsy\\_and\\_Traveller\\_Site\\_Allocation\\_DPD\\_-\\_Options\\_Paper.pdf](http://www.solihull.gov.uk/Attachments/Gypsy_and_Traveller_Site_Allocation_DPD_-_Options_Paper.pdf).

This 'Options' paper invited views on how the future accommodation needs of Gypsies and Travellers in Solihull could be met. The document sought to identify the possible ways pitches and sites could come forward and also included a "call for sites" exercise where the public and other stakeholders

could suggest the sites that they think are suitable for Gypsy and Traveller accommodation. The July 2011 'Options' consultation did not identify any sites.

- In October 2011 the Council published an information document which identified the new sites and site extensions that had been suggested as part of the first round of public consultation in July 2011  
[www.solihull.gov.uk/Attachments/List of Gypsy and Traveller Sites Suggested To The Council.pdf](http://www.solihull.gov.uk/Attachments/List_of_Gypsy_and_Traveller_Sites_Suggested_To_The_Council.pdf).

It was made clear at the time that the list and location of sites was to inform the public of the sites that had been suggested to the Council as part of the consultation and that no decision in favour of any possible site had been made. As with the identification of land for bricks and mortar accommodation, the process of suggesting potential sites is on-going. As the Uplands site had not been suggested at that time (and similarly land at the Old Civil Service Sports Club) it was not included in the information document published in October 2011. For the avoidance of doubt, this document was not part of a public consultation exercise.

- The results of the July 2011 'Options' consultation indicated that the Council should also look to examine the existing Gypsy and Traveller sites in the Borough without the benefit of full planning permission with a view to regularisation. Therefore, in preparing the Preferred Options document, the Council assessed all suggested new sites and site extensions, as well as assessing the suitability of existing sites without the benefit of full planning permission, including The Uplands.
- For the reasons above, the Council therefore disagrees that The Uplands site has been included at the last minute without adequate public consultation. The July 2012 'Preferred Options' consultation was the first time any site, including the Uplands, had been published for public consultation and the Council has followed the consultation methods as outlined in its Statement of Community Involvement. The 'Preferred Options' document itself is the mechanism by which the public and other stakeholders have been able to give their views, which will be fully considered before preparing and publishing the pre-submission draft DPD for a statutory period of representation in early 2013.
- The Council is aware of the planning history of The Uplands. However, having undertaken the assessment, it is considered that the site performs well against the criteria such that it should be taken forward to accommodate the suggested 3 pitches. Although being allocated in the plan, a planning application would still need to be submitted to the Council in order for the site to become formally authorised. The planning permission would stipulate the number of pitches allowed and any breach of this would be dealt with by enforcement procedures.
- The Council recognises that the regularisation of unauthorised sites could be seen as circumventing the planning process. However, the Council has sought to take a pragmatic approach which avoids having to relocate families to alternative new sites, when their own existing sites may be appropriate. All

unauthorised sites have been assessed and only those considered suitable have been taken forward.

- The Uplands, as with all the Council's preferred sites (and rejected sites) are located in the Green Belt. Green Belt development should not be approved, except in very special circumstances. The Council has an identified unmet need for Gypsy and Traveller accommodation and no available sites outside the Green Belt, which, it is considered, amounts to very special circumstances. The Council has therefore had to consider the allocation of preferred sites on Green Belt land due to the lack of alternatives. However, the assessment process has sought to ensure that the most suitable sites have been taken forward as preferred sites. The Uplands is a small scale site which is considered suitable to be allocated as a preferred site.
- The site occupies an inconspicuous location to the rear of an existing residential property. It is well screened and although being accessible to the key services and facilities in Dickens Heath, it is not part of the development and will not detract from character of the local area or the village itself.
- The Council disagrees that Blythe ward is being unfairly targeted. Only 3 of the suggested 45 pitches are in this ward. Due to the nature and constraints of the Borough, the lack of identified land and the need to provide sites in the most suitable locations, it is not practical to simply allocate sites equally between north and south Solihull.
- The Preferred Options document identifies the provision of additional pitches over and above the number required to meet the Boroughs identified need in order to provide flexibility and confidence that the Council is able to meet its need, should some sites or pitches not be forthcoming for any reason.
- The Council disagrees that the site is unnecessary. The 2012 Gypsy and Traveller Accommodation Assessment (GTAA) provides evidence of the unmet need for Gypsy and Traveller pitches in Solihull. Some of this need arises from families residing on unauthorised sites such as the Uplands.
- The Council disagrees that regularisation of the site will cause highway safety or traffic problems.
- Some of the reasons given as to why the site at The Uplands should not be taken forward are not material planning matters and have not therefore been considered by the Council.
- The Council welcomes support that the site has been taken forward as a Preferred Site.

#### Canal View, Salter Street

- The Council notes the existing occupier's concerns and objections to the site being rejected. However, expansion of the site was fully considered at the Cabinet meeting on 21 June 2012 and it was resolved that the site was not to be included as a preferred site in the DPD.

- The location of the site is such that it bears many of the same characteristics as the neighbouring Gypsy and Traveller site and at a recent appeal at the neighbouring site, a planning inspector noted that the area is part of an attractive rural landscape and recognised harm to the openness of the Green Belt that would result from a site extension. Although the owner of Canal View now only wishes to increase capacity at the site, on balance it is still considered that increasing the number of pitches in this location would have a negative impact on the character and appearance of the area and reduce the openness of the Green Belt.

#### The Pleck, Shadowbrook Lane

- Disagree that the Pleck should be taken forward. The Council maintains that the site is unsuitable as outlined in the site assessment.

#### Land adjacent The Pleck, Shadowbrook Lane

- The Council welcomes support for the rejection of this site.

#### Old Civil Service Sports Club, off Old Damson Lane

- The Council notes the identification of this site in the Section 106 agreement for the runway extension at Birmingham Airport.

#### **Recommendations:**

- Continue to take forward land at Old Damson Lane, The Warren, The Uplands and The Haven as the Council's preferred sites.

#### The Haven

- Consider the implications of the site being located above a historic landfill site and the precautions that may be required.

#### Land at Old Damson Lane

- Examine objectors' concerns regarding the provision of a larger site at Old Damson Lane and the provision of transit pitches, in more detail. Issues regarding community cohesion may be addressed through mitigation measures such as; design and layout solutions, robust site management and protocols, as well as strong pitch allocation policies. Subject to the outcome of detailed design work, it may be necessary to reduce the number of overall pitches on the site and/or reduce the number of social rented pitches or reconsider whether transit provision is appropriate, providing the DPD still meets the Borough's identified needs.
- Ensure a Flood Risk Assessment is undertaken for the site at Old Damson Lane.

## **Section 7: Site Capacity and Phasing**

### **Representations received:**

4, 8, 10, 13, 15, 18, 20, 21, 25, 30, 36, 79, 80, 85, 86, 87, 88, 89

### **Key issues raised by the above representations:**

#### Site Capacity

- Strong concern that the Council is expanding the Old Damson Lane site by too much. It will have a negative impact on the site itself and how well it fits in with the neighbouring community.
- Concern that having transit pitches alongside residential pitches (at Old Damson Lane) will create problems.
- Concern over the amount of pitches proposed in the Borough; it exceeds the identified need.
- Some support for the amount of pitches proposed on each site.

#### Phasing

- Some support for the proposed phasing.
- There is potential for additional sites post 2015 as there will be further funding.
- Some concern over the proposed phasing; it does not cater for the immediate need or provide choice. Phase 1 offers no choice for small family sites. Extending existing sites will not meet the needs of others. Phase 2 is restricted solely to extending an existing site that few want to live on.
- Disagree with phasing; provision should be made available at the same time Borough wide.
- Phase 1 over provides pitches (31 rather than 26); this contradicts the need and reason for phasing.

### **Council's response to all representations:**

- The Council notes the concerns expressed about a large site at Old Damson Lane (see Council's response in Section 6).
- The Council notes the concern about the provision of transit pitches, particularly from the local Gypsy and Traveller community (see Council's response in Section 6).
- The Preferred Options document identifies the provision of additional pitches over and above the number required to meet the Boroughs identified need in order to provide flexibility and confidence that the Council is able to meet its need, should some sites not be forthcoming for any reason.
- The Council generally welcomes support for the amount of proposed pitches.
- The Council welcomes support for the proposed phasing.
- The Council notes that further funding is available for sites in the future.

- The Council disagrees that the proposed phasing does not cater for immediate need. Phase 1 proposes additional pitches over and above that identified in the GTAA. It includes a range of social rented pitches, private pitches and pitches to cater for family growth at existing sites. Phase 2 will meet longer term needs through private rented provision. Any future planning application at this site will need to ensure that the site conditions are satisfactory for future occupants and will be expected to have regard to guidance outlined in the Government's good practice guide on 'Designing Gypsy and Traveller Sites'.
- The Council considers that phasing is required in order to ensure that there will be sufficient pitches throughout the plan period.

**Recommendations:**

- Examine objectors' concerns regarding the provision of a larger site at Old Damson Lane and the provision of transit pitches, in more detail. Issues regarding community cohesion may be addressed through mitigation measures such as; design and layout solutions, robust site management and protocols, as well as strong pitch allocation policies. Subject to the outcome of detailed design work, it may be necessary to reduce the number of overall pitches on the site and/or reduce the number of social rented pitches or reconsider whether transit provision is appropriate, providing the DPD still meets the Borough's identified needs.
- Work with the police and other stakeholders to determine whether concerns about the provision of transit pitches can be overcome. Subject to the outcome, the Council may need to review the location of transit pitches or reconsider whether such provision is appropriate.

## **Section 8: Other Matters**

### **Representations received:**

9, 10, 13, 18, 22, 27, 38

### **Key issues raised by the above representations:**

- Other suggested considerations:
  - The needs of blind and partially sighted people.
  - Reference to landscape character and suggest this is extended to cover biodiversity and green infrastructure too.
  - Restriction of commercial activity on approved Gypsy and Traveller sites.
  - Pre-application advice should be sought from the Police.
  - Reference to landscape character and suggest this is extended to cover biodiversity and green infrastructure too.
  - Need to be mindful that the criteria needs to align with policies in the Draft Local Plan e.g. all sites need to protect and enhance biodiversity, promote high quality design etc.
- Disagree that close board fencing between plots is inappropriate.
- A mixture of responses was received on the safeguarding of Gypsy and Traveller sites.

### **Council's response to all representations:**

- The Council notes the other suggested detailed policy considerations.
- It is not considered appropriate to put a blanket restriction of commercial activity on Gypsy and Traveller sites due to the traditional nature of Gypsy and Traveller employment. However, it is proposed that details of any commercial activity should be submitted with any planning application for a Gypsy and Traveller site in order to ensure that such activity is suitable.
- The Council notes the request of the police to be involved in pre-application discussions.
- The Council considers that the site assessment criteria align with the policies in the draft Local Plan.
- The Council maintains that there are more appropriate and sensitive ways of achieving privacy and separation of pitches than close board fencing. As such it will generally be considered inappropriate.
- The Council considers it important to ensure that Gypsy and Traveller sites are not lost to alternative development in the future. As such it is considered that sites should be safeguarded.

### **Recommendations:**

- Consider the inclusion of any factual or minor changes within the DPD, as a result of representations received.

## **Section 9: General Comments**

### **Representations received:**

1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 21, 24, 28, 34, 35, 36, 37, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 91, 92, 94, 96

### **Key issues raised by the above representations:**

- Some support for the DPD and the Council's approach to providing for Gypsies and Travellers.
- Significant concern that expansion of the Old Damson Lane site may cause problems that are not currently experienced. It currently integrates well with the surrounding community and this good relationship could be jeopardised. Particular concern over tensions between different groups of Gypsies and Travellers. Such a large site will also impact on local schools and facilities.
- Transit sites do not work.
- Has the truck stop (Lincoln Farm Café) on the A452 been considered as a potential site?
- How will the number of pitches at The Uplands be restricted?
- West Midlands Fire Service needs to be involved in planning applications.
- The Meriden dispute needs to be resolved.
- The Eaves Green Lane site will always be inappropriate.
- There are too many cases of planning laws being ignored or over-ruled.
- The costs to the Council in building Gypsy and Traveller sites.
- Sites near to canals and rivers need to protect and enhance the waterway infrastructure.
- Whoever makes the final decision should speak with the Gypsy and Travelling community on a one-to-one basis.
- The Warren and The Haven are potentially affected by GEO apparatus.
- Concern that The Haven has poor site conditions.
- The Haven should be granted extra pitches now, not in 5 years time. A transit site could also be accommodated here.
- Concern about decisions being taken without public consultation or public consent.

### **Council's response to all representations:**

- The Council welcomes support for approach to providing for the needs of Gypsies and Travellers.
- The Council notes the concerns expressed about a large site at Old Damson Lane (see Council's response in Section 6).
- The Council notes the concern about the provision of transit pitches, particularly from the local Gypsy and Traveller community (see Council's response in Section 6).

- The truck stop at Lincoln Farm café has not previously been considered for use as a Gypsy and Traveller site. However, since this site has been suggested through the responses to the DPD 'Preferred Options' paper, the Council has considered the site and as it is situated within flood zone 3, it is unsuitable for use as a Gypsy and Traveller site.
- With regard to the number of pitches at the Uplands, planning permission would stipulate this and any breach of would be dealt with by enforcement procedures.
- The Council notes the request of West Midlands Fire Service to be involved in planning applications.
- The Gypsy and Traveller site in Meriden has gone through the due legal and planning processes, and will continue to do so, to secure a resolution.
- The DPD seeks to address the incidences of planning laws being ignored and unauthorised developments and encampments occurring.
- The Council has a duty to meet its obligations to Gypsies and Travellers and will seek to utilise sources of Government funding where available. Site extensions to private family owned Gypsy and Traveller sites will be funded privately and a Registered Social Landlord as been awarded funding from the Homes and Communities Agency to provide a social rented site in Solihull.
- The Council notes the need to protect and enhance the waterway infrastructure. Where relevant this will be considered as part of future planning applications for sites.
- The Council has sought to, and will continue to involve the Gypsy and Traveller community in the site allocation process.
- It has been confirmed that there are no significant issues with regard to the impact on GEO apparatus at the Warren. The Council have been advised to contact GEO should any works be undertaken on the approach road to the Haven.
- Any concerns about the site conditions at the existing Haven site can be reported to the Council and dealt with by the relevant department. A detailed planning application for a site extension at The Haven will need to ensure that the site conditions are satisfactory for future occupants and will be expected to have regard to guidance outlined in the Government's good practice guide on 'Designing Gypsy and Traveller Sites'.
- The Council maintains that The Haven should be brought forward later in the plan period to meet more long term needs for Gypsy and Traveller accommodation. There are other preferred sites which are considered to be more suitable than The Haven and it is considered that these should be brought forward first. From the comments received about transit sites, it is proposed that the Council should undertake further work to determine whether it is feasible locate transit pitches near to permanent residential pitches or whether the provision of transit pitches should be reconsidered.

- The Council disagrees that decisions being taken without public consultation or public consent. The July 2012 'Preferred Options' consultation was the first time any site had been published for public consultation and the Council has followed the consultation methods as outlined in its Statement of Community Involvement. The 'Preferred Options' document itself is the mechanism by which the public and other stakeholders have been able to give their views, which will be fully considered before preparing and publishing a pre-submission draft DPD.

**Recommendations:**

- Examine objectors' concerns regarding the provision of a larger site at Old Damson Lane and the provision of transit pitches, in more detail. Issues regarding community cohesion may be addressed through mitigation measures such as; design and layout solutions, robust site management and protocols, as well as strong pitch allocation policies. Subject to the outcome of detailed design work, it may be necessary to reduce the number of overall pitches on the site and/or reduce the number of social rented pitches or reconsider whether transit provision is appropriate, providing the DPD still meets the Borough's identified needs.
- Work with the police and other stakeholders to determine whether concerns about the provision of transit pitches can be overcome. Subject to the outcome, the Council may need to review the location of transit pitches or reconsider whether such provision is appropriate.

