

Our ref: LM/6019/Firgrove/130818

**cunnane**  
town planning

FAO: Rosie Morton  
Programme Officer  
C/O Strategic Planning  
Winchester City Council  
Colebrook Street  
Winchester  
Hants  
SO23 9LJ

*Suite 4, Oriel House, 26, The Quadrant,  
Richmond. TW9 1DL Tel: 020 3846 6390  
www.cunnanetownplanning.co.uk*

**BY COURIER AND BY EMAIL**  
14<sup>th</sup> August 2018

Dear Sir/Madam

**FURTHER STATEMENT ON THE WINCHESTER DISTRICT GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE DEVELOPMENT PLAN DOCUMENT (DPD) ON BEHALF OF JOE KEET AND FAMILY.**

**CITY OF WINCHESTER GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE DEVELOPMENT PLAN DOCUMENT EXAMINATION IN PUBLIC HEARING**

**SUBMISSION REF. ANON/DXU4/WWFU**

We have been instructed by our client Joe Keet and his family of No. 7 The Old Piggery, Firgrove Lane, North Boarhunt, Hants PO17 6JF to produce this additional statement to further justify our client's case and to support our appearance on his behalf at the forthcoming DPD Hearing commencing on Monday 3<sup>rd</sup> September 2018.

**Our Client's Requirements**

Our client requests the reinstatement of sites W019 and W081 as a traveller and gypsy allocation rather than as a showmens allocation as previously requested in our client's submission of 26<sup>th</sup> February 2018. Our client supports the retention of site W014 for permanent travellers accommodation and supports the retention of site W030, which is located south of his land, for showpersons accommodation. The Inspector is referred to our submission of 26<sup>th</sup> February 2018 where justification is set out for the reinstatement of sites W019 and W081. The reinstatement of sites W019 and W081 will require original Policy TR5 to be reinstated and amended as we request and subsequent policies in the DPD to be renumbered.

*Cunnane Town Planning is the trading name of  
Cunnane Town Planning LLP.  
Registered no: OC318443.  
Registered Office:  
Suite 4, Oriel House, 26, The Quadrant, Richmond. TW9 1DL*

*Also:  
Northern Region:  
PO Box 305  
Manchester M21 3BQ  
Tel: 0161 861 0410*

*Irish Practice:  
Cunnane Stratton Reynolds Ltd  
Dublin, Cork, Galway  
www.csrlandplan.ie*

*A List of Partners is available on request from the address above*

*ISO 9001 Registered Firm*

## The Council's Initial Position as Set Out in the Regulation 19 Pre-Submissions Draft DPD

The Council's initial position on sites contained within the red line of Figure 1 below was set out in Policy TR5 Winchester District: Gypsy, Traveller and Travelling Showpeople Development Plan Document (Traveller DPDP) Draft for Consultation under Regulation 18 which was placed on public display in July last year.

*Figure 1: Site Comprising W014, W019, W030, and W081 Referred to in Policy TR5 of the July 2017 Draft DPD.*



Previous Policy TR5, as set out in the Regulation 18 Pre-Submission Draft DPD, indicated that this former policy sought to 'secure the provision of additional plots for people meeting the definition of travelling showpeople, permission will be granted for approximately 12 travelling showpersons plots, the permanent use of 4 existing gypsy and travellers pitches, and associated access and landscaping improvements . . .' The reference in former Policy TR5 to permanent use of 4 existing gypsy and travellers refers to site W014 which has

temporary planning permission for 4 no. pitches and is encouraged in emerging Policy TR2 of the Regulation 19 Draft DPD. Site W014 the subject of Policy TR2 is partly in our client's ownership. A further area of land identified as W030 and previous Policy TR1 has potential for the provision of 4 travelling showpersons' plots. There is cross reference in Policy TR1 to the inclusion of site W030 within former TR5.

Para 4.16 of the Regulation 18 Draft DPD states clearly that former Policy TR5's aim is to allocate the site for a mix of traveller uses. Para 4.17 accompanying former Policy TR5 recognised the difficulty of developing the site for travellers albeit mainly for showpersons accommodation. Para 4.17 envisaged that planning control can be exercised on the site through a masterplan, phasing plan and associated planning obligation to ensure that the required elements are provided at the right time. Our client has no issue with any of these requirements. Although the emphasis in this paragraph was on the provision of 8 showpersons plots to meet the identified shortfall of the Council's Gypsy and Travellers Accommodation Assessment (GTAA) the emphasis is on both traveller and showpersons provisions being met within the larger site shown in Figure 1 and the need for a masterplan *'so that the site can be laid out and delivered in a satisfactory way, to avoid conflicts between different elements of the scheme and to secure all the proposed uses and improvements to access, landscaping, etc.'* (see para 4.17). It is further stated that the production of a masterplan will require the owners of the site shown in Figure 1 to cooperate to submit a coordinated proposal.

### ***Reasons for The Council's Change of Position on Firgrove Lane***

The Committee Report of 4<sup>th</sup> December 2017 (CAB2965(LP)) into the emerging Traveller DPD in paras 10.32 to 10.37 gives the reasons why the local authority 'de-allocated' a large part of the area outlined in red in Figure 1 above. There are a number of planning issues including enforcement discussed in the Committee Report but there are basically two reasons in our opinion. The first relates to the mixing of travellers and showpeople which is not encouraged by the Showman's Guild of Great Britain (para 10.35 of the Committee Report). The second relates to ownership and delivery. All other points raised in the Committee Report regarding existing occupants not being travelling people and the need for enforcement action, which are raised in paras 10.34 and 10.37, can be regularised with the grant of planning permission.

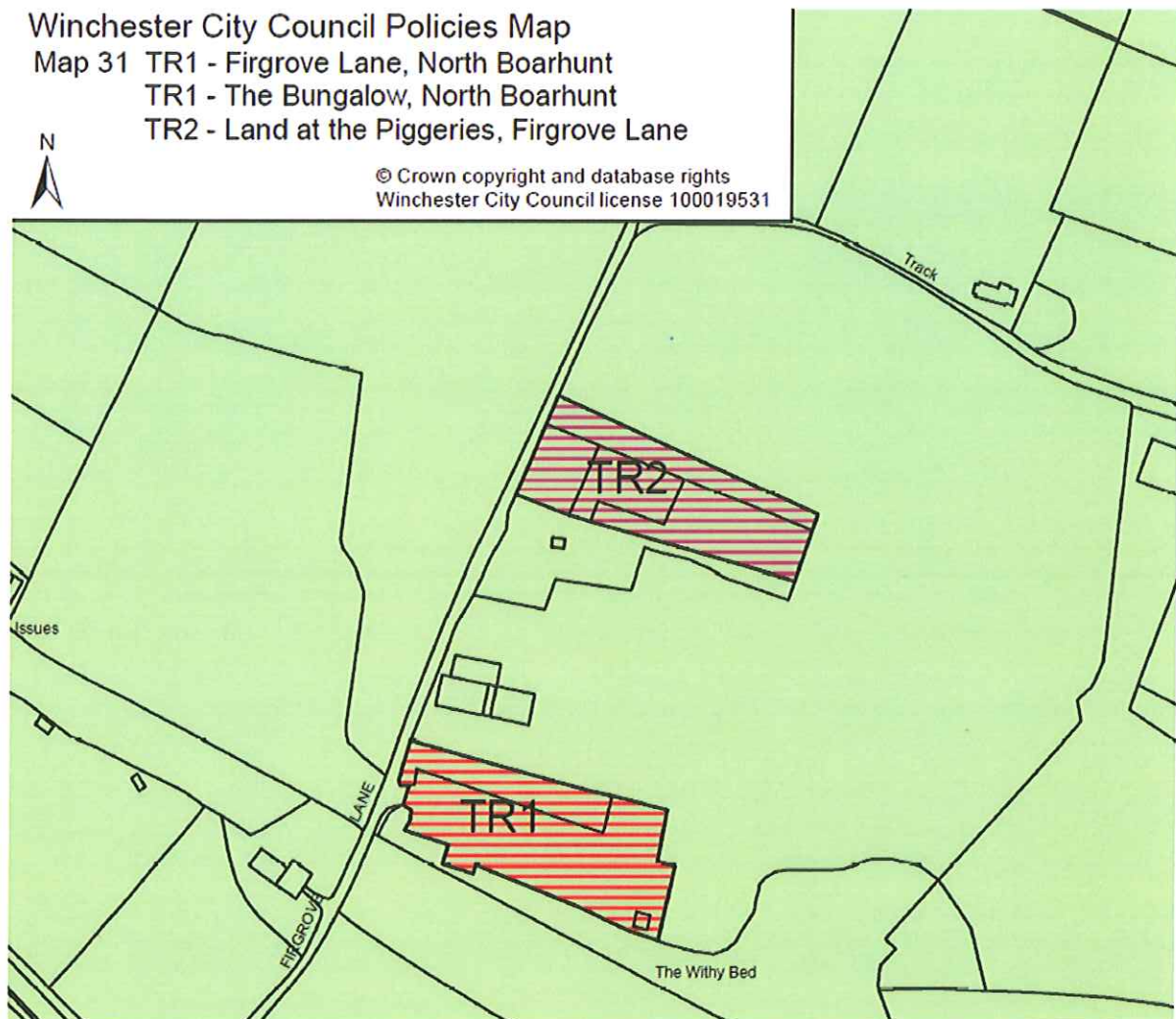


## **Response on Concerns About Mixing and Deliverability**

### *Reason One For De-allocation: Mixing of Travellers and Showpeople*

In respect of the Council's first main concern regarding mixing we accept the Guild's position that travellers and gypsies do not mix with showpeople. Please note however that Winchester City Council Policies Map 31 shows access to W030 as presented in Policy TR1 for Firgrove Lane as being separate from any access being required to any of sites W014, W019 and W081 and with careful boundary treatment there will be no mixing, limited if any interaction between the two sites, and more importantly there will be no requirement in planning terms for both communities to mix or interact. It is clearly the case that this retained allocation for showpeople on Firgrove Lane under TR1 can be developed separately from the rest of the site being developed for travellers and gypsy accommodation. Please see Figure 2 below where the discrete and separate access for the showpersons accommodation within TR1 on Firgrove Lane and the self-contained nature of the same site (W030) is clearly evident. Notwithstanding this, it is clear that a masterplan can be produced for the remainder of the site. Clearly if there is no showpersons accommodation allocated in this location other than on site TR1/ W030 there can be no legitimate concern regarding mixing.

Figure 2 The Separate and Discrete Nature of Retained Showpersons Allocation on Site W030



From Figure 2 above it is clear that W030/TR1 can operate as showpersons accommodation with separate access off Firgrove Lane and independently from the entire former allocation to the north and that there will be no mixing, merely the provision of one community on one site and the provision of accommodation for the other community on the other.

The requirement for a masterplan and adherence to its key principles as set out in emerging Policy TR6 will also ensure that there will be no opportunity for mixing. Our client has access rights on Firgrove Lane and it is expected that he and the owner of site W030 can therefore work together in the production of a masterplan even though the two sites would operate independently.

*Reason Two for De-Allocation: Ownership and Deliverability*

On ownership it is our view that a query raised by our client specifically against allocation of his site for showmen specifically may have been interpreted by the Council as him not being able to deliver for travellers or gypsies (ie for any allocation or designation). As indicated above he, his family and other current occupiers of the site are travellers and they can deliver the accommodation shown in the draft plan below as Figure 3 along with their neighbours. Please note that showmens site W030/TR1 shown in Figure 2 above is shown in blue in the masterplan below as Figure 3. The point is that showmens accommodation is not deliverable on his site, but as an existing traveller group on site, the delivery of travellers accommodation on his land is distinctly likely, and additional pitches are needed to meet not only current but also future needs.

We are aware that there has more recently been a concern of access over a public right of way (over pedestrian route no. 10). Our view is that our client, as members of the public, should have access across that pedestrian route to access their own sites. Our client has exclusive ownership rights to Firgrove Lane.





## **Deliverability through Implementation of a Masterplan**

The provision of travellers accommodation on sites W019 and W081, if the were reallocated, can be achieved consistent with emerging Policy TR6 and the provisions of a masterplan as follows:

### *Access and parking*

- Safe vehicular and pedestrian access can be provided from the site to the highway;
- There will be sufficient turning space within the site to allow for safe vehicular movement;
- Potential conflict between pedestrians and vehicles on site will be minimised;
- No vehicle over 3.5 tonnes will be stationed parked o stored on site as there will be no travelling showpersons residing on site outside W030/TR1.

### *Environmental*

- Appropriate boundary treatment can be provided that will have no adverse visual impact;
- Landscape planting and an approved boundary treatment plan can reinforce the screening of the boundary and will screen views into and out of the site;
- An area of open space can be provided and in this case this can be provided at the location of the paddock in the eastern part of the site; and,
- There will be no negative impact on the significance or setting of heritage assets or biodiversity interests.

### *General*

- Necessary details of waste water infrastructure including a foul drainage assessment and of surface water drainage are provided [as modified];
- Waste can be stored appropriately for disposal and can be collected in an efficient manner;
- No commercial activities will take place; and,
- External lighting will be minimised to avoid a detrimental impact on the surrounding locality.



## **Consistency with National Planning Policy for Travellers Sites (PPTS)**

The reallocation sought is consistent with para 8 of the PPTS in that what is now proposed is eminently more sustainable than the loss of accommodation and the consequential scattering of our client's family, extended family and other groups elsewhere.

We believe that that the number of plots or pitches on the site in its entirety can be agreed in the context of a master plan utilising existing and planned services and infrastructure entirely consistent with para 10 points (d) and (e) of the PPTS. Requirement (d) states that local authorities should relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding populations size and density. There should therefore be no concern at the scale of accommodation to be provided as identified in the Planners report on the DPD to Committee. This is a modestly sized site. Requirement (e) protects local amenity and the environment and this policy requirement is met if current Policy TR6 and former Policy TR5 are retained – and it is our client's full intention to meet the requirements of both policies through the provision of a masterplan to be agreed with the local authority. In the context of para 10 of the of the PPTS our client's sites are both 'deliverable' and 'developable'. Our client is willing to develop in a manner consistent with the requirements of an agreed masterplan in due course as part of a prospective planning application.

Crucially in this case para 11 of the PPTS requires that '*where there is no identified need, criteria based policies should be included to provide a basis for decisions in case applications nevertheless come forward.*' Both current policy TR6 and previous Policy TR5 ensure that this requirement in para 11 of the PPTS is fully met. In this case where there is an identified need for traveller accommodation on site and in this specific locality the merits of an application can be considered through emerging policy and through adherence to the principles of a masterplan which are set out in current Policy TR6.

The reallocation of sites W019 and W081, along with W014 and W030 that are requested to be retained, is consistent with para 13 of the PPTS as follows:

- a) The peaceful and integrated co-existence between the sites and the local community will be continued and we are not aware of any issues between local permanent resident and the travelling community on site;

- b) Residents will have excellent access to health services. The Peter Brett associates 'Gypsies and Travellers and Travelling Showpeople – Site Assessment Study undertaken for the City Council identifies that our client's site has access to a general practitioner 2.9km away;
- c) Children of current travellers staying on site already attend a local primary school and this school is located 2.3km away;
- d) The allocation of sites W014, W019 and W81 will facilitate a settled base for our client's children and grandchildren, and if these sites are reallocated for travellers long distance travel from this existing and preferred location will be voided. As indicated above the sites can be developed within the context of a masterplan and can be developed in a sustainable manner consistent with NPPF and the PPTS. If the sites are reallocated appropriately our client will seek to regularise the planning situation in these sites as they have sought to do through the current Section 78 appeal. In the wording of item (d) these sites provide the settled base that our client requires for his family including grandchildren. He would prefer, quite rightly, in accordance with (d) that his family is not spilt up, but facilitated together in one modestly scaled sustainable location;
- e) The masterplan envisaged for the site in former Policy TR5 will ensure that there are no harmful environmental impacts on residents within the sites or on their neighbours of the permanent residential community. Current Policy TR6 provides additional reassurance that there will be no unacceptable impact experienced by those either within the development or on those living nearby. No issues of noise or air quality are anticipated in either the Environmental Sustainability assessment carried out by the City Council or in the parameters of the previously proposed masterplan for the site. We do not believe that such concerns exist. The requirements of item (e) of para 13 of the PPTS are therefore met.
- f) The reallocation of the sites identified (W019 and W081) will not be over bearing on local infrastructure of services as the local authority would not have originally allocated these sites for TSP and no distinction should be made between TSP and travellers/gypsies in service and infrastructural terms. The consolidated site in question is modestly sized in our opinion. The requirement of item (f) of para 13 of the PPTS is therefore met.

- g) The reallocation of our client's landholding and reinstatement of former Policy TR5 is consistent with item (g) of para 13 as there is no risk of flooding as corroborated in the Council's own environmental assessment of sites contained with Policy TR2 which includes W014 and the immediately adjoining W019 and W081. There are several sites within Policy TR1 that fail the test of item (g). Our client's sites meet the requirement of item (g) however.
- h) This item does apply to our client's existing on-site operations.

Although primarily for consideration of planning applications the Council should also consider the requirements of para 24 which advocates that local authorities should consider:

1. The existing level of local provision and need for sites;
2. The availability or lack of alternative accommodation for the applicants; and
3. Other personal circumstances of the applicant.

*1. Existing level of local provision and need for sites*

There is a requirement for both TSP set out in Appendix 8 of the DPD and a current and on site need for travellers and gypsy accommodation. Both requirements would be met with the reinstatement of former Policy TR5. Provision is substantially and unacceptably reduced with the retention of W014 which is partially within our client's ownership and by W030 which falls outside his ownership.

*2. The availability or lack of alternative accommodation for the applicants*

Our client's family and extended family will have to at least partially relocate if former policy TR5 is not reinstated. This is socially unsustainable and is entirely unacceptable to our client.

*3. Other personal circumstances of the client*

Our client's family live in this one location and to remove sites W019 and W030 would mean that they would have to move away from this site effectively breaking up and scattering a close-knit family group.



We trust you will give due consideration to this submission and reallocate our client's sites for travellers accommodation.

Yours sincerely



Eamonn Prenter  
CUNNANE TOWN PLANNING LLP

