Supplementary Statement to Matter 13 /WDC

Wealden District Council and South Downs National Park Authority
Response to the Inspector's Matters, Issues and Questions

Matter 13: Travelling Community.(WCS10,WCS11)

Detailed response to Representations received.

This joint supplementary statement should be read in conjunction with that already submitted to this Hearing under Matter 13. It sets out as requested and in greater detail specific responses to suggestions made within representations on this matter from gypsy representative groups. Particularly from Mr Staines of Friends Families and Travellers (comment ID 33) and Mrs A de la Rue of National Federation of Gypsy Liaison Group (ID 99 and ID101). It is noted that Mr L Keeley (ID1771), Mr S Ankers of South Downs Society (!D 1336) and Mr W Nicholls of Eastbourne Borough Council (ID 66) have also commented through representations on this matter.

Response to representations from gypsy representative groups.

ID 33: comments from Mr Staines: Friends Families and Travellers.

Policy WCS10.
Mr Staines suggests that the figure of provision within the CS, which is based upon the evidence presented to the unfinished panel report (partial review of the RS) i.e. 32 pitches as opposed to 33 identified in the panel report will not meet all the local needs that can be reasonably determined at this stage. He suggests instead use of the latest caravan count statistics which, in his own submission he confirms as **"notoriously unreliable"**. The assertion in the representation that that the presence of caravans is prima facie evidence of need is not accepted and indeed could be abused as a moveable feast/ mechanism to over inflate suggested needs in any one area and at any one time.

In the Council's initial response on this matter (paragraph 1.9) we set out the basis of our assessment of needs, which was updated to incorporate the CLG methodology published in 2007 and the evidence heard at the partial review of the RS.

In respect of the proposed change to increase provision in the Core Strategy to 37 pitches the Council/SDNPA does not accept this suggestion.

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Policy WCS11.

a) The suggestion is that the word *reasonably* be added before the wording "well related to existing settlements" however the rest of the text of criterion 1 indicates that sites would need to be within *or close to* and it is considered that this affords the flexibility sought by the representation and that there is no need for any change.

b) It is suggested that the wording "be suitable in terms of topography" be deleted from the second criterion because in the absence of detailed topographic requirements from the criteria this would lead to confusion.

It is considered reasonable to retain the wording and that it would be impossible as well as unduly restrictive to endeavour to set any precise list of topographical requirements. Quite simply topography is important - the slope of a site and its aspect can mean the difference between a site being suitable for residential occupation and also from a point of view of visual impact. The SDNPA/WDC see no reason to support this suggested change.

c) The suggestion is that the wording *residential amenity* be deleted as this is not included in other forms of housing. We consider that the effect on residential amenity is important and is indeed covered for other forms of Housing through PPS3, the Council's Design Guidance SPD, in development management decisions and also in our emerging Strategic Sites DPD.

Through the planning process however, and unlike with almost all other types of development Local Planning Authorities are advised to have bespoke policies for gypsy and traveller provision in their Core Strategies/ LDF documents. In this regard we consider it appropriate that the importance of impact upon residential amenity be reflected by words in our Policy and that the requirement for development of sites for traveller provision not leading to a reduction in the residential impact of neighbouring dwellings is an appropriate wording.

d) It is suggested that the criterion seeking to protect designated landscapes and European designated sites be deleted. We believe this criterion should remain. We note that it's inclusion in Policy WCS11 is supported in the statement of representation received from Mr Steve Ankers for the South Downs Society (comment ID 1336). The criterion is also supported by the Eastbourne Borough Council (comment ID 66) as representing an appropriate balance between meeting the needs of gypsies and travellers and the protection and enhancement of existing landscape and wildlife assets.

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ID 99 and 101: Comments from Mrs Alice de la Rue, National Federation of Gypsy Liaison Group.

The representation received supports paragraph 7.29 of the Core Strategy and the further GTAA review of GTAA needs to inform the level of needs beyond 2016.

Policy WCS11.

It is suggested that the wording of WCS11 lacks clarity and the criteria are too restrictive, going beyond current national planning guidance as set out in Circulars. It is therefore suggested that the Policy will be unlikely to be effective.

Criterion 1: Whilst the suggested wording put forward of "reasonably accessible to local services and facilities" etc replaces the existing suggested wording of "well related to existing settlements with local services and facilities" to comply with Circular advice it is not considered that the Policy does not comply with such advice or indeed there is merit in merely repeating central advice. We do not therefore believe there is a need to amend this wording.

Criterion 2: It is further suggested that the requirement to be "within or close to" existing settlements (WCS11 first criterion) is contrary to Circular advice (01/2006) which refers to the fact that rural or semi rural locations are acceptable. However the wording of the criterion objected to goes on to also state **"or close to major roads and/ or public transport thus affording good access to local services".**

The SDNPA/Council does not therefore consider this Policy criterion to be contrary to existing Circular advice and that there is no need to amend the wording of the Policy.

The statement submitted by Mrs de la Rue also refers to the fact that local landscape and local nature designations should not be used to refuse planning permission. The SDNPA/Council would point out that the only designations specifically referred to in Policy WCS11 (criterion 4) are either National or International ones. Generally it is also considered reasonable to state that the *essential* features of designated areas should not be compromised however we would maintain that there is clearly sufficient latitude within the Policy for it not to be unduly restrictive and that there is no reason to assume it will not be effective in delivery.

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Criterion 3: As all development has some level of impact it is suggested that criterion 3 be re worded to say "the site will provide an acceptable level of amenity for the proposed residents and will not have an unacceptable level of impact on the residential amenity of neighbouring dwellings".

We accept the proposition that all development will have some impact and thus to accommodate some amended words to reflect this. We nevertheless consider it necessary to retain elements of criterion three as drafted. We would therefore suggest a partial amendment to Criterion 3 so that this would in totality now read;

"Be able to achieve a reasonable level of visual and acoustic privacy for both people living on the site and for those living nearby. The site will provide an acceptable level of amenity for the proposed residents and will not have an unacceptable level of impact on the residential amenity of neighbouring properties"

The second sentence covers the point made by Mrs de la Rue that all development will have some impact, it is however important that the word properties is used as this has a wider interpretation than dwelling in assessing any potential unacceptable impacts of development.

Criterion 4: Whilst no specific proposals are put forward for consideration it is considered that the avoidance of such areas as set down in criterion 4 is important to secure the acceptable level of amenity for proposed residents and which, at her suggested Criterion 3 Mrs de la Rue seems to be advocating.

In conclusion we believe that the Policies as set out in the Core Strategy, together with the amendment suggested to the wording of criterion 3 above represents the appropriate balance between meeting the accommodation needs of gypsies and travellers, protecting the amenity of neighbouring residential property and the need to protect and enhance existing landscape and wildlife assets.

SDNPA/ WDC 30th January 2012.