

**Flintshire Local Development Plan Examination in Public Land at Bryn
Y Baal Scheduled Hearing 14 May 2021: Matter 14**

**Objection on behalf of Fryer and Phillips:1227700 re Policy HN8:
provision of Gypsy and Traveller Sites**

1.0 Reasons for the Objection

- 1.1 This objection is not made in respect of the principle of providing accommodation for the Gypsy and Traveller community. Far from it as this is strongly supported. The objection is made on the basis that sites allocated under Policy HN8 are unsuitable and do not meet the location criteria as established by good practice and set out in Circular 005/2018. It is acknowledged that the council has made these allocations as a matter of expediency given that they are all extensions to existing sites. To this end there is no strong objection to sites HN8-1 (Magazine Lane, Ewloe), and HN8-2 (Gwern Lane, Hope) but it is noted that these do not comply with policy and guidance.
- 1.2 However, there is strong objection to HN8 -3 (Riverside, Queensferry) as the site conditions and location are neither suitable for decent living nor compliant with policy. Such sites should be well located in relation to existing settlements with access to services, schools and public transport. This objection includes an alternative site which meets with local and national policy (PPW) and the guidance in Circular 005/2018.

2.0 Planning Policy Wales (Ed 11)

- 2.1 PPW paragraph 4.2.35 requires local authorities to assess the accommodation needs of Gypsy and Traveller families and to allocate sites to meet the identified need. Sufficient sites should be allocated in the development plan to ensure that identified pitch requirements for residential and/or transit use can be met. Planning authorities need to demonstrate that sites are suitable for development and deliverable in the identified timescales.

3.0 Circular 005/2018

- 3.1 The circular states that the provision of Gypsy and Traveller sites is one of several key issues that need to be addressed through the plan making process. A lack of appropriate sites has a significant detrimental impact on the lives of Gypsies and Travellers. Delivering appropriate Gypsy and Traveller site accommodation will have a beneficial impact on the communities' ability to access other essential services. Delivery of appropriate site accommodation for Gypsy and Traveller communities could also have a beneficial impact on the settled community by reducing the number of legal challenges and costs incurred in challenging unauthorised encampments.

- 3.2 The circular outlines the importance of a number matters which include site sustainability and the need to access suitable community facilities for occupiers. It also states that local planning authorities should provide a criteria based policy in the development plan which provide a clear and fair rationale for the determination of Gypsy and Traveller site planning applications. It also requires planning authorities to identify suitable locations for permanent and transit sites.
- 3.3 The circular provides guidelines for the identification of sites and stresses the importance of site sustainability for health and well being and for the maintenance and support of family and social networks. Matters for consideration include the following:
- opportunities for growth within family units;
 - the promotion of peaceful and integrated co-existence between the site and the local community;
 - access to health and education services; • access to utilities including water, waste water disposal and waste collection services;
 - access by walking and cycling, public transport and private motor vehicles (including emergency vehicles);
 - suitable nearby or on-site safe play areas;
 - not locating sites in zone C2 risk of flooding and only considering sites for location within zone C1 risk of flooding in line with guidance contained in TAN 15, given the particular vulnerability of caravans; and
 - regard for areas designated as being of international, national and local importance for biodiversity and landscape.
- 3.4 In deciding where to provide for Gypsy and Traveller sites, planning authorities must first consider sustainable locations within or adjacent to existing settlement boundaries with access to local services e.g., education settings, health services and shops. All sites considered as options for a site allocation in a development plan must have their social, environmental and economic impacts assessed in accordance with the requirements of sustainability appraisal.
- 3.5 With regard to criteria based policies, these should also adhere to sustainability requirements having regard to site considerations and other national planning policy requirements. Such policies must be fair, reasonable, realistic and effective in delivering sites.
- 3.6 Annex B to the circular contains guidance on good practice criteria. Consideration must be given to vehicular access from the public highway, as well as provision for parking, turning and servicing on site, and road safety for occupants and visitors. Landscaping and planting to help sites blend into their surroundings, give structure and privacy, and maintain visual amenity. Too much hard landscaping, high walls or fences give the impression of deliberately isolating the site and its occupants from the rest of the community as well as being visually intrusive. All sites should be considered in context and in relation to the local infrastructure, population size and density to ensure they are in proportion to local settled communities.

- 3.7 Flintshire's UDP has a criteria based policy (HSG14) to guide the determination of applications for Gypsy sites. This states that; Development of new permanent gypsy sites will only be permitted where: a. there is a demonstrable need; b. there are no suitable alternative sites either with planning permission or allocated for such uses; c. there is natural screening, or the site can be screened adequately; d. services can be provided at reasonable cost; e. there is no unacceptable impact on the amenity and character of surrounding areas due to noise, pollution, traffic or parking problems; and f. such sites should be within reasonable distance of main social and shopping facilities.
- 3.8 The Deposit LDP contains both a criteria based policy for the determination of Gypsy and Traveller sites through the planning process (HN9) and an allocation of 4 sites under Policy HN8. HN8: Gypsy and Traveller Sites Land is allocated in the following locations as shown on the proposals map to meet the identified needs of Gypsy and Travellers as detailed in the Flintshire Gypsy and Traveller Accommodation Assessment Update over the plan period: HN8-1 (Permanent) Magazine Lane, Ewloe (extension) 6-8 pitches HN8-2 (Permanent) Gwern Lane, Cae Estyn, Hope (extension) 6-8 pitches HN8-3 (Permanent) Riverside, Queensferry (extension) 10 pitches HN8-4 (Transit site) Castle Park Industrial Estate 6 spaces
- 3.9 The Council maintains that the sites identified had been selected taking into consideration guidance contained in WG circular 005/2018. However, looking at the location of these sites in relation to their proximity to settlement boundaries, health and education services, public transport, cycle and footpaths and off-site play areas it can be seen that none comply. Neither do they comply with all the criteria set out in HN9. These are that:
- a. There is a clearly identified unmet need in accordance with the most recently undertaken Gypsy and Traveller Accommodation Assessment;
 - b. There are no suitable alternative sites either with planning permission or allocated for such uses which could accommodate the need;
 - c. The site is well related to suitable community facilities and services for the prospective occupants;
 - d. The site is capable of being served by utilities including sustainable waste disposal and recovery and emergency services;
 - e. The site affords satisfactory amenity standards both for its occupants and for neighbouring land uses;
 - f. The site is not in an area at high risk of flooding given the particular vulnerability of caravans.
- 3.10 The Magazine Lane site lies adjacent to the North Wales A55 Expressway generating noise and air pollution and where residential development would not be acceptable. The site is adjacent to an existing traveller site granted on appeal but isolated from the community being over 2km from local shopping, 1.5km from the nearest primary school with no public transport. The Inspector concluded that the harm caused to the green barrier was outweighed by the exceptional circumstances relating to the need and provision for gypsy and traveller sites.

- 3.11 The Gwern Lane site is even more isolated from the community being 1km from Hope and 1.5km from Caergwrle. The nearest primary school is 2km away by road but there are medical facilities within 1.5km. It cannot be said that this site will help integration with the local community. Again, this site was approved following an appeal and the Inspector recognised that development would not normally be allowed in the open countryside but the special circumstances outweighed other policies in the Plan.
- 3.12 The Riverside proposal is an extension to the existing site. However, this fails all the guidance in the circular and the criteria set out in the existing UDP under Policy HSG14 and HN9 of the draft LDP. The issues relating to this site are that; land is contaminated; it is 130m from the main A494 highway to the north west boundary; a main large sewage works lies on its south west boundary; major industrial development lies to the east. It also lies within a C1 flood risk area with the River Dee immediately to the north.
- 3.13 The access is on to the busy A494(T) which is programmed for improvement resulting in the carriageway being brought considerably closer to the site. Under Policy PC10, which looks to the improvement of this stretch of highway from Ewloe to the River Dee, land is safeguarded for the preferred route. Although there are no precise details it is inevitable that the highway will be brought significantly closer to the proposed allocation.
- 3.14 Emissions from heavy traffic movements brings significant health risk. Poor air quality contributes to an estimated 2,000 deaths per year in Wales, with exposure affecting vulnerable population groups in particular. Legislation establishes health-based standards for a number of pollutants present in the air. Nitrogen dioxide (NO₂) levels should not exceed 40µg/m³ (micrograms per cubic meter air) over a 12 month period. Data published by Welsh Government shows that over a 4 month period in 2016 nitrogen dioxide concentration levels along the A494 at Aston Hill reached 51.6 µg/m³. Data collected from traffic monitoring (INRIX) showed that the average vehicle speed measured on the Sealand stretch of the A494 is 61mph, 11mph above the speed limit. This is the same road that passes close to the existing and proposed site. In 2019 it has been necessary to introduce a permanent 50mph monitored average speed limit on Aston Hill in an effort to reduce air pollution levels by 18%.
- 3.15 This major highway severs the site from the local community, local shops, schools and medical services which are approximately 1.5km from the site. Clearly there will be little integration with the local community.
- 3.16 The site is unsuitable and fails significantly to meet the guidance and principles set out in Circ 005/2018 and in the Council's own adopted and draft criteria based policies.

4.0 Need for small sites

- 4.1 Should there be a need for small sites then the objection site at Bryn Y Baal meets national and local guidance criteria. The site, which is subject to a request to amend the settlement boundary at Mynydd Isa reference MYN006, is located adjacent to the settlement boundary. Its open countryside position is currently designated as green barrier and measures some 0.1ha. The site is contained by mature hedgerows which form a well defined natural landscape screen and defensible boundary. Its position adjacent to the

settlement boundary is a logical extension to the urban form and well related to the local community and the services that it provides. The Ysgol Mynydd Isa Primary School is within 0.4km and the Argoed High School is 0.7km away. It is 0.8km to the local clinic, library and convenience store in Mercia Drive. Public open space is located 250m to the east at Bryn Road with the Argoed Sports and Social Club within 800m. There is a bus stop 50m away on the main road.

- 4.2 The fact that the site is located within a green barrier is no impediment to the proposed use as a Gypsy and Traveller site as seen by the appeal decision on the Magazine Lane site referred to above. Another such site within the green barrier granted on appeal at Oakenholt following refusal of application 053290. Here the Inspector considered that the harm to the green barrier was clearly outweighed by other exceptional circumstances. All of those do not meet local and national guidance and criteria but were allowed because of the failure of the planning authority to make the requisite provision.

5.0 Conclusion

- 5.1 The allocation of the Queensferry Riverside site does not meet the policy requirements of PPW and Circular 005/2018. Given that this is the largest of the gypsy and traveller allocations the Council should identify and alternative site which will be more suitable for decent living standards and less damaging to health.
- 5.2 Should there be a need for a small individual family site then merits of the Bryn Y Baal site, MYN006, are far superior to those referred to above and would meet local and national planning policy. It is however acknowledged that despite its current location in the green barrier, the exceptional circumstances which apply to such development would not preclude a successful application at some time in the future given the precedent set by previous appeal decisions.

Huw Evans Planning

25 April 2021