

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Correspondence address:

PO Box 480, M33 0DE
Telephone: (01462) 474000
Text Phone: (01462) 474800



1st July 2013

Central Bedfordshire LDF Team

Our Ref:
Your Ref: PL07

Contact Officer: David Hill
Direct Line: 01462 474453
E-mail: David.hill@north-herts.gov.uk

Dear Sir / Madam

North Hertfordshire District Council Response to Central Bedfordshire Pre-Submission Gypsy and Traveller Local Plan

Thank you for providing North Hertfordshire District Council the opportunity to submit representations to the Central Bedfordshire Pre-Submission Gypsy and Traveller Local Plan.

The district council supports Central Bedfordshire's approach to identifying additional Gypsy and Traveller provision in line with government guidance in Planning Policy for Travellers Sites and the Housing Act (2004) and supports the general approach taken in development of a Gypsy and Traveller Accommodation Assessment (GTAA) and the translation of this into the need for additional pitches. It is clear that as a result of the level of current provision and the requirement for additional need that a Gypsy and Traveller Local Plan is required and separation from the main Development Strategy is understood.

Consultation process

The district council was consulted at the Issues and Options stage of the document's preparation, however, was not made aware of the informal consultation process that took place in January / February on sites and site selection until a member of the planning team, who lives in Central Bedfordshire, had a flyer posted through their door by their local Parish Council.

As a result no formal notification of the site selection process was made until the district council specifically enquired about the process. Unfortunately a response to the enquiry was not received in advance of the Overview and Scrutiny meeting on 28th February 2013, which resulted in the district council unsure if we could attend or not. This meant the first opportunity that the district council had to influence the site selection process was at the Executive Meeting on the 18th March 2013 at which time we were given less than a week to prepare a submission. At this meeting the preferred list of sites had been chosen and the document was merely being approved for consultation. Page 15 of the consultation statement identifies a diagram which suggests that during the informal consultation emails /meetings and letters were sent to neighbouring authorities between 17th Jan and 17th April 2013. We would query the

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start date as we were not made aware of the consultation until we made our own enquiries in mid-February as detailed above.

Therefore the district council remains concerned with the nature of the site selection process and the informal consultation that has occurred over the preceding months. Those that have not been aware of press releases and changes to the website have not been able to influence the process, including neighbouring authorities. We do not believe that many of the residents of North Hertfordshire, because of the informal nature of the consultation, have been aware of the process. A formal consultation would require notification of neighbouring local authorities and parish councils (in their position as statutory consultees) and the requirement for documents to be in libraries/deposit points ...etc. Therefore it is considered that input into the process at this important stage of preparation has not been as inclusive as it should have and not in the spirit of Localism. Central Bedfordshire Council has moved straight from Issues and Options to Pre-Submission, which under the current regulations it is entitled to do. However, the site selection process has taken place away from the public arena and without formal public input and as a result they would not seem to be able to justify the choices for the preferred sites.

The site assessment document which supports the consultation provides details of the staged site selection process, however, there would not appear to be any evidence to support the contextual choices that allowed the Council to select the 7 sites for inclusion in the consultation document. Logically one might assume that the 7 best scoring sites would be chosen, however it was reported at the Executive meeting (18th March 2013) that just because a site performs well against criteria does not always mean it is the best site. This is understood and a reasonable assertion, however, if this is the case then the reasons why the chosen sites are included must also be available. This information does not appear to exist, therefore it is unclear why the chosen 7 sites are the most appropriate. The decisions taken regarding the sites selected, especially at the Overview and Scrutiny meeting on 28th February 2013, would appear to have been taken on the basis of contextual information rather than the use of the detailed criteria. This contextual information does not appear to be documented to explain the decisions, and when asked to provide this information, it has not been forthcoming.

As alluded to earlier in the response it is also not clear how the general public view these sites. Public consultation has not been a consideration in the selection of the sites and at this Pre-submission stage there is very little chance for the public to influence the sites in the plan as from 28th February 2013 the 7 chosen sites have remained a constant as they have moved through member processes. It is considered that a more appropriate approach would be to consult on all sites that passed the three staged criteria (totalling 32) to gauge the level of support. This could then feed into the overall site selection process. This would be more inline with collaborative planning, frontloading and the localism agenda.

The approach taken would appear to be the council choosing the 7 sites without any detailed rationale being available to justify their choices and which could be argued to render the assessment criteria somewhat meaningless.

Site selection process

None of the sites or the site selection criteria have been tested as part of a formal consultation and so it isn't clear whether the chosen approach is the most



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appropriate. The staged approach is a common one and clearly there are some sites which are unsuitable for this form of development, i.e. where located in Flood Zone 3 or adjacent to hazardous installations and where certain issues cannot be mitigated. It does, however, seem that a number of sites were ruled out on archaeological / landscape grounds which could potentially be mitigated, especially as Gypsy and Traveller development is considered more small-scale and less intrusive than some other forms of development.

If sites have been put forward by developers, this staged process hasn't afforded them the opportunity to put forward their case to offer mitigation. If this approach had been taken for housing sites and locations had been ruled out before public consultation I would foresee a large number of very upset developers and a cause for potential legal challenges.

Additions to criteria

The site selection criteria does not seem to take into account other sources of flooding including surface water. This issue is becoming increasingly more important in planning as a constraint, not just flooding of a fluvial nature. Caravans and mobile homes are classified in the NPPF as being "more vulnerable" to flood risk, therefore flooding from all sources should be a consideration in the allocation of land. The Environment Agency has produced datasets on this issue and as a Lead Local Flood Authority (LLFA) the Council should have a good knowledge of the possible locations where this might arise. The datasets may not necessarily be detailed enough to rule sites out, however, it should be raised as a constraint, where applicable to a site. There is certainly evidence of this type of flooding on the road to the North of the site, which often blocks a lane of Stotfold Road.

Although proximity to schools has been included in the assessment, the capacity of schools must also be a key element of whether a site is acceptable or not. Regardless of how close they are, there needs to be additional capacity to accommodate additional children or the assessment is meaningless. Currently this does not appear to have been factored into the assessment. This information should form part of an infrastructure delivery plan which supports the wider LDF / Local plan, however this does not appear to be present on the website currently so it is unclear if this assessment has been done.

Scoring of Site 76: Land South of Fairfield and West of Stotfold Road (Allocation GT15)

Having viewed the site assessment in more detail, there would appear to be some key errors. The site assessment document suggests that the site scores 21 points, however on the website, the site is recorded as scoring 20. Clarification regarding the overall score is needed in the first instance.

Stage 2 Criteria

The only consideration of the proximity of the site to the Sewage Treatment Works is within the section titled "Located Adjacent to Motorway". Clearly this does not reflect the issue being considered, which may warrant a widening of the assessment criteria to incorporate wording along the lines of "Unsuitable neighbouring uses". The site assessment suggests that other residential properties are closer to the site, although this would only seem to relate to the existing property to the north of the proposed allocation. Letchworth STW is operated by Anglian Water which has produced an Asset Encroachment Policy which states;

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“Anglian Water will generally oppose development within 400 metres of the boundary of a sewage treatment works if the development will increase the number of people within that area. Pre-development enquiries will indicate whether or not Anglian Water will object to development proposals”

Consultation with Anglian Water should have occurred previously to ensure that there is no objection. It is therefore not in the district council's remit to say whether this location is appropriate in this context, however, if this site had been included in an earlier consultation phase this type of issue might have been identified before reaching Pre-Submission stage.

The assessment of safe access states “No objection on highway grounds”, however the road has a 40 mph speed limit and has relatively poor visibility splays due to the site's location in a dip in the landscape. Associated with this is the issue of ownership as the road is largely the responsibility of Hertfordshire Highways. In reality they, as responsible authority, should have been involved in the assessment and judgement whether the location is acceptable. At the Executive Meeting on the 18th March 2013 there was a brief discussion that the speed limit on the road could be reduced to 30mph to minimise any potential highway safety issues, however as the road is the responsibility of Hertfordshire Highways any change to the speed limit would need to be agreed with them before the site is allocated. It is our understanding they would not support such a speed reduction, neither would the Police.

In addition, amending the speed limit is not necessarily considered to be in line with government guidance on this issue. Circular 01/2013¹ states in paragraph 40 that *“Speed limits should not be used to attempt to solve the problem of isolated hazards”*.

It would seem greater clarity is needed with regard to this issue and that the highway assessment requires greater depth of investigation. Again, if this site had formed part of an earlier consultation this issue might have been identified before the Pre-Submission stage.

The site is open in nature, located in a dip and on a slope. Screening of the location maybe difficult and may not positively impact on the landscape. It is located in Landscape Character Area 10D within Type 10 Rolling Chalk Farmland. The Landscape Character Assessment guidelines for this area states “Ensure that development does not lead to fragmentation/isolation of land parcels which may become marginal for agricultural use and degraded”.

The site assessment identifies mitigation for the site including:

- a full contaminated land survey prior to development;
- full ecological assessment required prior to development;
- archaeological mitigation (depending on the development); and
- screening and planting to integrate site.

In Policy GT15 of the plan only the screening and contamination issues would appear to have been taken forward. This should be amended to include all four. Added to this should be the highways issue and any issues arising from the Sewage Treatment Works if Anglian Water raise it as an issue.

¹ DfT (January 2013) Setting Local Speed Limits



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Stage 3 Criteria

Evidence from DEFRA's Agricultural Land Classification Map identifies that the site is located on Grade 2 agricultural land not Grade 3 as reported in the site assessment. The boundary for grades 2 and 3 is located around this area, however as the eastern-most portion of the site is being allocated, this area is located entirely on Grade 2 land. This would mean that the site would score a 0 rather than 3 for this criteria and would also affect the SA scoring for the site.

The site assessment concludes with commentary from the sustainability appraisal, which states that the site could *encourage healthier lifestyles and the use of sustainable transport systems*. Essentially this is just supporting the fact that the site is located close to a bus stop. In sustainability terms this cannot be the justification for the site's allocation. The site is not close to a middle or upper school, doctors, dentists or a food store and will encourage use of private transport. The capacity of the school at Fairfield must also be a consideration, which would not appear to be a current consideration.

With the amendments to the scoring, resulting from the change to agricultural grade, the total for the site is now 18 (or 17 if scoring on website is used). The site scores poorly on sustainability and in also in terms of archaeology and biodiversity. Comments from Hertfordshire Highways and Anglian Water may add further issues which may preclude development at this site.

Conclusion

North Hertfordshire District Council remain very concerned that the sites have been selected away from the public arena, without any formal public input. We also consider that the lack of consultation raises specific concerns with regard to the Duty to Cooperate as we do not feel we have been adequately involved in the preparation process of the Plan. The reasoning for the allocation of the 7 preferred sites is not documented anywhere in the supporting evidence and does not reflect the scoring criteria, which raises key issues with regards to the soundness of the plan in terms of the sites being justified and the most appropriate, based on evidence. The site at Stotfold Road does not score well in terms of sustainability, and performs even more poorly with the correction to the agricultural land classification. There are issues with regard to highway access and potential issues with regard to the proximity of the sewage treatment works. Further work is clearly required before this site can be considered for allocation and it would seem that there are far less constrained sites within the plan that should be considered in advance of this particular site.

Regards,
Cllr Tom Brindley
Portfolio Holder for Planning, Transport and Enterprise