

Rossendale Local Plan Examination

Proposed replacement gypsy transit site

INSPECTOR'S PRE-HEARING QUESTIONS

15 May 2020

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This document sets out questions on the Council's proposal to allocate land for a gypsy and traveller transit site at Sharneyford. The site would replace the proposed transit allocation site at Futures Park in Bacup, as set out in the draft Rossendale Local Plan (2018).

Consultation took place on the proposed alternative site in January/February 2020. The consultation documents and responses, and other background evidence, can be viewed on the Council's examination website at:

https://www.rossendale.gov.uk/info/210148/local_plan/10629/emerging_local_plan/3

A hearing event on the proposed site is due to be held on Wednesday 17th June 2020 via teleconferencing (due to the current Covid-19 restrictions).

Representors who have indicated they wish to speak at the event will be sent a detailed agenda and joining instructions in due course.

In order to ensure the event is focused, representors are invited to respond to the questions in this document, prior to the hearing event. **Written statements should be submitted to the Programme Officer by 1st June 2020 (5pm)**, via the above email address (or via the postal address if you do not have internet access). **Late responses and further documents received after 1st June 2020 will not be accepted.** You may choose to respond to all or some of the questions (some are directed at the Council). Alternatively, you may wish to rely on your original responses made in January/February 2020.

If you wish to speak at the hearing event (and have not already notified the Programme Officer) you are requested to contact the Programme Officer by 1st June 2020. Standard telephone charges will apply during the event. The event will be fairly short and focused, and there may be options to reduce the amount of time you need to be present. **Please note that the Inspector will take account of all written responses received, and involvement in the hearing event is not essential.** **The event will be recorded and placed on the Council's website afterwards for everyone to hear.**

If you have any questions about this document or the event, please contact the Programme Officer.

Issue 1 - Need for a gypsy and traveller transit site

- a) The Council's assessment of transit needs (as set out in the Gypsy and Traveller Accommodation Assessment 2016 (GTAA) (EB014)) is based on an analysis of unauthorised encampment data between 2013 and 2016. Is this approach robust and fit for purpose? What unauthorised encampments have occurred since 2016?

As part of a GTAA, the extent to which transit provision is needed is considered. Policy A of the Planning Policy for Traveller Sites (PPTS August 2015) states the need to assemble a robust evidence base to support a council's planning approach to both permanent and transit accommodation. It provides no specific methodological approach to derive the evidence, but recommends that local authorities pay particular attention to effective engagement with Traveller communities, co-operation with relevant parties and using robust evidence to establish accommodation needs.

Former 2007 DCLG Guidance, 'Gypsy and Traveller Accommodation Needs Assessments' at paragraph 62 recommends that 'local authorities should gather data on unauthorised encampments and unauthorised developments in an area. This should include the number of caravans and family groups on each site'.

In order to establish the need for transit accommodation needs, two sources of information were used in the GTAA: unauthorised encampment data and contextual information from the council regarding local unauthorised encampment activity. This is in line with former DCLG guidance and constitutes a robust approach as required under the 2015 PPTS.

The GTAA presented data on unauthorised encampment activity over the period January 2011 to April 2016. Data for the latest three year period (May 2013 to April 2016) was used to establish the need for transit pitches. This represents a reasonable time period and takes account of more recent trends in activity to inform future need.

The analysis concluded that 4 transit pitches could accommodate up to 8 caravans and this would be sufficient to accommodate 91% of all encampments which took place over the period May 2013 to April 2016.

Since the GTAA was completed, there has been a reduction in unauthorised encampment activity (1 in 2017, 4 in 2018 and 6 in 2019). Over this period:

- The number of caravans on unauthorised encampments was ranged between 1 and 15;
- The median number of caravans was 2, average 4.3 and mode (most frequently reported) was 2.

A 4-pitch transit site would be sufficient to accommodate most of these encampments.

It was also noted at the September 2019 Examination Hearing that the number of unauthorised encampments had reduced and this may be due to the Futures Park area no longer available for unauthorised encampment activity.

- b) The GTAA identifies a need for four transit pitches in Rossendale accommodating up to 8 caravans in total. Does the evidence show this level is justified and that provision should be made within Rossendale borough (rather than being dealt with on a sub-regional basis)? Why are transit sites recommended instead of temporary stop over places?

The GTAA concluded that 4 transit pitches could accommodate up to 8 caravans and this would be sufficient to accommodate 91% of all encampments which took place over the period May 2013 to April 2016.

This provision was expected to address the majority of regular and on-going annual transit requirements of Travellers visiting or travelling through Rossendale. It was also recommended that the Council monitor the occupancy level of any transit provision.

When preparing the GTAA in 2016, the main option considered was an actual transit site. Although not specifically referenced in the GTAA as a recommendation, the potential for other forms of temporary provision should be considered. This was discussed with the Inspector at the Local Plan hearing by arc4 in September 2019.

Further options that could be considered include:

- The use of a transit site at Hyndburn (5 pitches on the Whinney Hill site are classed as transit); and
- Negotiated Stopping Places. These have been pioneered by the Traveller advocacy organization called LeedsGATE. Travellers are directed to pieces of land and enter into an agreement with the Council who provide rubbish/waste disposal; and Travellers agree to conditions around behavior, health and safety and waste management.

- c) How has the issue of gypsy transit site accommodation been dealt with through the Duty to Cooperate process? What cross boundary working and engagement has taken place?

Discussions have taken place throughout the preparation of the Local Plan on meeting the need to provide for Gypsies and Travellers. The GTAA included stakeholder engagement with the County Council; other District Authorities; Housing Associations; the County Ethnic Minority, Gypsy, Roma and Traveller Achievement Service; the Showmans' Guild; and the National Bargee Traveller Association.

The Duty to Co-operate and Draft Statement of Common Ground 2019 (ref SD008) discusses how the transit site accommodation was discussed. At all meetings held with adjoining authorities a request was made if any could accommodate any of Rossendale's needs, or indeed were wanting Rossendale to consider meeting any of their development requirements. This included the Transit site that had been identified in Rossendale's GTAA. Appendix 4 provides the minutes from a Duty to Co-operate meeting (held 6 June 2018),

showing that the need to provide a Transit site was discussed with adjoining authorities.

An email from the Greater Manchester Combined Authority (dated 25.07.18) reiterated that it was not considered that GM could accommodate any additional need other than that identified in the Gypsy and Traveller Accommodation Assessment of 2014. Bury MBC noted that they were not expecting any adjoining authorities to meet this need. Similarly, Burnley's position is that in having a recently adopted Local Plan they are not able to meet Rossendale's needs nor consider Rossendale will need to assist with meeting Burnley's needs.

Hyndburn reported that they were reviewing their earlier GTAA from 2019, and until the findings from this study were available, they were not in a position to accommodate Rossendale's needs. The latest GTAA shows that the need in Hyndburn has increased.

Calderdale confirmed at a meeting on 06.07.18 that Gypsy and Traveller Provision would be addressed in a subsequent DPD rather than in the Local Plan. The GTAA did not find any specific links with Rossendale and any site provision is likely to be in the centre/east of the district with no suitable sites identified in the west of the district.

In summary the position was taken that this need (4 pitches to be met through the "normal planning application process" and 4 transit pitches "which should be identified in the Local Plan") as identified in Rossendale's Gypsy and Traveller Accommodation Assessment of 2016 should be met within the Borough.

Issue 2 – Site selection process

- a) How did the Council identify potential site options for transit sites as part of Local Plan production? Was a call for sites undertaken? Was a thorough assessment undertaken of the Council's landholdings?

Discussions have taken place throughout the Local Plan preparation with colleagues in other Council departments, including the Property Services team. A number of sites were identified and these have been assessed through the SHLAA process. The preference had been to identify land in the ownership of Rossendale BC or Lancashire County Council as it was considered this would assist with deliverability, avoiding the need to acquire land and also allowing greater control over how the site came forward.

- b) The Council's Gypsy and Traveller Topic Paper (2018) (EB015) refers to 10 potential sites which were appraised as options for transit sites, as part of the formal stages of Local Plan production (on pages 6-8). How do these relate to the 'long list' of sites in the Appendix to the Paper? Why were some sites in the long list not taken forward as potential options?

Table 1 in Appendix A shows the relationship between the 'long list' of sites identified during the Local Plan Part 2 (withdrawn in February 2016) and the

10 potential sites (or plots) considered at the Regulation 19 stage of the emerging Local Plan. Four sites previously identified during the Local Plan Part 2 have been considered in the emerging Local Plan process, these are highlighted in green in the table. For clarification, the sites which were subject to consultation during the emerging Local Plan Process are highlighted in red.

The reasons for not assessing the remaining 15 sites is explained within the fifth column "Reasons for not assessing as reasonable alternatives in SA", except for 4 sites which were further assessed in the Local Plan as employment or housing options (i.e. Land off Tong Lane/Reed Street, Bacup; Land at Gaghills/Mill End Mill, Waterfoot; Buckhurst Plant, Waterfoot and Land to the rear of Holland Pies, Rising Bridge).

Also, 4 additional sites not assessed during the Local Plan Part 2 were considered in the preparation of the emerging Local Plan. These are:

- Little Tooter Quarry, Sharneyford
- Land adjacent to Haslingden Household Waste Recycling Centre
- Former Landgate Quarry, Shawforth
- Old depot, Knowsley Road, Haslingden.

- c) Were each of the 10 potential sites subject to a technical assessment and Sustainability Appraisal process? Where is this evidenced? [the Council is requested to identify specific document names and page numbers in their response] In the case of the nine options not being proposed, does the evidence set out clear reasons for rejection?

The assessments carried out for the 10 potential sites are summarised in **Table 2 in Appendix B**, this includes document names and page numbers. The reasons for rejecting the sites is provided in the fourth column of the table "Reasons for rejection". It is to be noted that the Council's current preferred option for a transit site at Little Tooter Quarry is not listed in these 10 potential sites as at the time of writing of the Topic Paper the preferred option was the site at Futures Park, Bacup. Following the consultation on the publication version of the Local Plan in summer 2018 and the signing of a lease agreement, the site at Futures Park is no longer considered deliverable and therefore the Council re-considered sites previously identified, including 2 sites not listed in Table 2 (i.e. Former Landgate Quarry, Shawforth and Little Tooter Quarry Sharneyford).

Please also refer to **Appendix I** for a Technical Note on the SA of additional Gypsy and Traveller Sites.

- d) What consultation was undertaken with the travelling community to identify locational and other requirements for a potential site, and to allow options to be assessed?

In undertaking the GTAA, Arc4 spoke to various stakeholders, including Gypsies and Travellers to identify locational and other potential site requirements. The stakeholder consultation response in terms of Transit Sites is outlined from para 7.12 of the GTAA. Appendix C of the same document

contains the Questionnaire that was used during the consultation. In addition, discussions took place with the families who stopped at Futures Park, in an attempt to understand their needs.

- e) The site at Sharneyford was previously rejected as a site for transit accommodation and not taken forward in the submitted Local Plan. What has changed in the interim?

Nothing has changed in the interim, however, once the site was considered in greater detail and further exploration of the site's potential took place, it was concluded that the land had the capacity to be deliverable and suitable as a Transit Site.

Issue 3 - Deliverability of the original proposed allocation at Futures Park, Bacup

- a) What is the latest position regarding the delivery of the industrial building proposed on Futures Park (application reference 2019/0102) and the lease arrangements? Does the lease preclude the development of a transit site on Future Park? Is the lease agreement enforceable, insofar as it applies to land outside the lease site?

- The Council and its developer are on course to complete their obligations in the Agreement for Lease with Orthoplastics dated 12 August 2019. The build on plot 5 is going to be complete by the target date of 30 June 2020. Under the Agreement for Lease, once the landlord build obligations are completed, the Council landlord will grant and the Orthoplastics tenant will take a lease of the Plot 5 Futures Park property.
- The Agreement for Lease does not make reference to a transit site. The lease contains a restriction on use; landlord covenant in favour of the tenant. The restrictive covenant provides that whilst the landlord under this lease is Council, the landlord will not allow or permit any part of the estate or adjoining land belonging to the Council to be used for any purposes other than for employment uses. Such an estate management use provision is common for all sorts of estates from light industrial to retail to residential housing developments. A traveller site would not be an employment use. The provision does of course refer to it subsisting only whilst the Council is the estate landlord.
- This agreement for lease was negotiated at arms-length with both the Council landlord and the Orthoplastics Limited tenant being represented by solicitors, Gateley Legal for the Council and Pinsent Masons for Orthoplastics Limited. Both are highly experienced in their field and the Council is confident that the lease is enforceable in its totality. The restrictive covenant applies to the Futures Park Estate and adjoining land [of it] belonging to the Council. Pinsent Masons acting for the tenant that takes the benefit of this restrictive covenant would not have advised their client to sign such a term had the same not been enforceable. Indeed, the Council is not in the business of completing leases that are not enforceable as this clearly would not protect the interests of the Council. The Council is

therefore wholly satisfied that the lease is enforceable insofar as it applies to land outside the lease site.

- b) Is the site at Futures Park suitable in all other regards for the provision of a gypsy transit site? Is this supported by the Council's evidence?

The Council considers the site at Futures Park suitable for the provision of a Gypsy Transit in all other regards. This is supported by the Sustainability Addendum (March 2019) to the Regulation 19 SA/SEA report which considers the site for a mixed use including a transit use for Gypsies & Travellers.

The site had previously been appraised in the August 2018 SA Regulation 19 report without the Gypsy & Traveller element of the proposed allocation. The conclusion of the SA Addendum report (March 2019) explained at paragraph 2.4.3 is that the, *'addition of transit use for Gypsies & Travellers at site M4 would not be expected to alter the sustainability performance identified for the site in the August 2018 SA Regulation 19 report.'* The SA concludes that the only major negative impact would be potentially from surface water flooding as part of the proposed allocation of site M4 (Futures Park) is situated in Flood Zone 3. However, large parts of the proposed allocation are situated outside FZ 3 and it would have been possible to overcome this issue through the location of the G&T Transit Site elsewhere within the allocation.

Issue 4 – Suitability of the proposed replacement allocation at Sharneyford

- a) Is the proposed site in a sustainable location which allows access to schools and services? What is the distance to Sharneyford, the local primary school and other key services? Where is the nearest bus stop?

The site is 400 metres from Sharneyford and 800 metres east of the nearest Primary School which is Sharneyford C. of E. School. Bacup Thorn Primary School (245 pupils) and St Mary's Roman Catholic Primary School, are both less than 2 miles from the site. The nearest bus stop is situated in very close proximity, slightly to the east of the site access on Todmorden Road.

The Irwell Medical Practice is the primary healthcare centre nearest to the site some 1 ½ miles away on the Rochdale Road in Bacup. The practice has 10 qualified doctors as well as 6 nursing practitioners with approximately 14,744 registered patients. Any new applicants must be resident within 3 ½ miles of the centre which obviously would include the intended site (see www.irwellmedicalpractice.nhs.uk). There are also two pharmacies within walking distance of the medical facility.

The plan at Appendix B of the Site Impact Review (SIR) prepared by ARC4 (May 2020, **Appendix C** of this document) illustrates the distance between key services and the site itself. Within 2 miles of the site are a full range of other services including a Post Office, a Library and shops including a supermarket. Consequently, it is considered that the proposed site is situated in a sustainable location which allows access to schools, shops and other key services.

- b) Would the proposal place undue pressure on local infrastructure and services? Are there available places at local schools?

Sharneyford has a population of approximately 985 (2011 Census) of which 72% are home owners and over 25% are retired whilst nearby Bacup has a population of 13,320 (2011 Census). As the likely occupancy of any one pitch is estimated to be no greater than 2 adults plus 3 children, it is reasonable to assume that existing services should be able to absorb any potential demand that may be created from a marginal increase of 0.2% of the local population.

As explained above, the nearest medical practice accepts new applicants from within 3.5 miles of the centre and has 14,744 registered patients. Therefore, the limited number of new patients generated by a Transit Site in this location would not overwhelm the existing medical services offered.

Sharneyford Primary School is a small community primary school within the school planning area of Bacup & Stacksteads. It is the nearest school to the site, approximately 800m west on the A681 Todmorden Road. This school which is for 4-11 years, has a capacity of 70 pupils. The school promotes, *'an ethos of respect and empathy where diversity is valued and celebrated.'*

It is rated Good by Ofsted but with no possibility of expansion due to its small site and lack of outside space. There are 8 schools in the planning area of Bacup and Stacksteads, 5 community and 3 faith schools. Sharneyford community school is fairly popular by preferences for admission, and forecast intakes are likely to be full to the admission number of 10.

The school is full in most year groups, therefore it is unlikely that transient populations will be able to immediately access places at the school. However, there is a small surplus within the planning area forecast within 5 years, therefore there are no current plans for any additional places in the area.

Secondary schools are not grouped in to planning areas like primary schools and take the district as a whole when planning for secondary places, accepting that parental choice and the ability to travel further are key factors when choosing. There are 6 secondary schools in Rossendale made up of community, academy and grammar schools with varying levels of surplus places, however overall Lancashire County Council (LCC) are forecasting surplus places in Rossendale secondary schools within the next five years. The closest secondary school is over 3 miles away and is The Valley Leadership Academy where there are currently surplus places for in-year admission

Consequently, due to the very minor increase in population associated with the potential allocation of this site, it is not considered the proposal would place undue pressure on local infrastructure and services. It is not likely that this site will be developed until at least year 5 of the plan period, when a small surplus in school places is forecast for this area.

- c) Does the site have access to a water supply, sewerage and other infrastructure services? What works would be necessary to facilitate connections?

It is understood that both mains electricity and sewerage are accessible off the main highway which will inevitably require some excavation works to establish a new connection. Depending on the positioning of the existing mains and therefore the cost of installing a new diversion to the site it may be more practicable to install portable toilet facilities, and a separate mobile electricity generator. The nearby properties are served by spring water rather than a mains supply and further investigation will be required to ascertain the cost of connecting to the spring, although the disruption will be limited to the crossing of Todmorden Road.

- d) What construction works and buildings are likely to be required on the site in association with the proposed use?
- 1) Continuation of site access road from existing gates to the proposed pitches.
 - 2) Formation of level hardstanding to pitches and some soft landscaping/provision of outdoor amenity space.
 - 3) Construction of amenity building.
 - 4) Foul and Surface Water Drainage, the latter including possible Sustainable Urban Drainage (SUDs) features. Potentially a landscaped bund to the south of the pitches to separate it from the rest of the former Quarry.
 - 5) Perimeter fencing to prevent access to the remainder of the quarry.
- e) What effect does the site's elevation have on its suitability for use as a transit site? Would occupancy of the site be possible at all points during the year, and does the evidence show that this is likely to be required?

The site's elevation is not considered to have a detrimental effect on its suitability for use as a transit site. Occupancy would be possible at all times of the year. Lancashire County Council (LCC) Highways department view is that in respect of winter maintenance, the A681 is on a primary gritting route and the road tends to remain open throughout winter (passable with care) and any snow blockages, when they do occur are infrequent and of short duration (approximately 60minutes). Consequently, the site should be capable of occupancy throughout the year.

The evidence of unauthorised encampments since 2011 shows that very few take place in the winter months and on the basis of the evidence most visits to Rossendale occur between April and September. Indeed, the main travelling season is generally recognised as April/May to September. However, unauthorised encampments in Rossendale have been reported in March and October in the GTAA evidence base. Essentially, evidence would suggest that transit provision is required throughout the majority of a given year, with travelling less likely over the November to February period

Therefore, whilst it is possible for the site to open all year round, it is not deemed essential that it does so in order to meet the identified need.

- f) Which part of the site lies within the area of high risk for surface water flooding? [The Council is requested to provide a map within its response] What flood risk assessment work has been undertaken and how would flood risks be mitigated?

None of the proposed site is situated within an area at risk (of high risk) for surface water flooding. The area at high risk of surface water flooding would be situated to the south of the site but within the proposed quarry (please see **Appendix E**). As such, in order to prevent flood water from reaching the site and mitigate any future impact, it would be proposed to construct a landscaped bund on the southern boundary of the Transit Site with the remainder of the Quarry. The site itself would be drained in accordance with the hierarchy of drainage outlined in national guidance giving priority to SUDs.

The Strategic Flood Risk Assessment (SFRA) [EB032] assessed the risk of flooding of potential development sites within the Borough. The study did not specifically appraise the proposed Gypsy and Traveller transit site at Sharneyford.

During the consultation on the proposed replacement site, the Environment Agency did not raise any objections [EL6.007], while the Lead Local Flood Authority suggests potential mitigations [EL6.008], as follows:

“If the proposed transit pitches are to be located on a previously surfaced area, concrete drive, then the drainage system for this surface area needs to be identified and checked for working condition. If the drainage system was for surface water just to run off the surface on to adjacent greenfield then the use of the concrete drive for the parking of vehicles/caravans on should not increase any flood risk off site.

If an extension of the concrete drive is to be made onto greenfield land then drainage attenuation plans, with detailed calculations, will need to be submitted to show that there is no increased flood risk on or off the site.

As this is a proposed transit site within a 'risk of surface water flooding' areas, then at times when Flood Alerts are issued that cover this location, evacuation/closure of the site should be considered.”

The Lead Local Flood Authority also notes that the access to the site is at low and medium risk of flooding from surface water. The site entrance is currently bounded by stone walls which protects it from surface water flooding from the north. However, surface water from the road could accumulate at the site entrance. A suitable drainage system for the access and the area where the pitches and outbuildings will be situated will be required to mitigate surface water flood risk and this will be assessed at the planning application stage.

- g) What effect would the proposal have on landscape character, including the adjoining Special Landscape Area within Calderdale, and in visual terms? How would any effects be mitigated? Is planting feasible taking account of the site's elevation?

The landscape character is formed by moorland fringes/upland pastures. No changes to the form of the landscape or features of special landscape interest are necessary to facilitate the proposed development. In visual terms, the location of the Transit Site Pitches and the amenity building would be contained within the existing landscaped walls of the former Quarry. Given this high level of existing screening, the visual impact would be limited to glimpses of the site for road users travelling from the east (where Bacup Road is elevated in relation to the site). Therefore, given that there are no changes proposed to the landscape form, there will be no detrimental impact on the landscape and the site is capable of being developed in a way that is sympathetic to and respects the visual quality of the landscape.

There are existing deciduous trees in close proximity to the site access and also near to the dwellings on the other side of Todmorden Road. There is one coniferous tree on the mound wall at the northern end of the former Quarry. Therefore, it is probable that any effects could be mitigated through landscaping and also that planting is feasible at this elevation and in this moorland fringe location, provided that blanket bog land is avoided.

- h) Is the scale of the proposal consistent with the character of the locality and nearby built development?

The character of the locality is formed by the predominantly open nature of the land that contains a limited number of buildings which are sporadically situated in this predominantly rural area. It is only proposed to allocate a small part of the wider Quarry for the development, in order to meet the needs of Travellers. There would only be one structure proposed which would be a single storey, small scale, amenity building designed to meet the needs of future occupants of the site. Given the small scale of the proposed developable area, the limited number of buildings proposed within the site and the fact that the proposal would largely retain the openness of the area, it is considered that the scale of the proposal is consistent with the character of the locality and nearby built development.

- i) Is the site capable of being safely accessed? Does the Local Highways Authority have any outstanding concerns?

The site benefits from an existing access onto the highway which takes the form of a wide, surfaced, bell-mouth style junction with good visibility in both directions onto the A681 which is not considered to be a heavily trafficked road. There are gates set back from the highway and any future gates could be set back further if required. Given the site's former use as a Quarry and the traffic movements of heavy vehicles associated with the former use, it is considered that the existing access is appropriate for the type of use envisaged as part of the proposed allocation. The Local Highway Authority does not have any outstanding concerns.

- j) What are the nearby heritage assets and where are they located? What effect would the proposal have on the significance of these heritage assets? What mitigation measures would be necessary? How does the Council intend to overcome objections from Historic England? Would it be feasible to site pitches to the rear of the site, taking account of the area at risk of flooding?

The nearby heritage assets are the Grade 2 Boundary Stone opposite number 278 Todmorden Road which is situated close to the Lancashire/Yorkshire boundary and slightly to the east of the existing access. It is not considered that the proposed allocation would have a detrimental impact on the significance of this asset. The other asset is the Grade 2 Listed, 18th century dwelling, known as the Former Toll House on Todmorden Road, which is situated on the other side of the main road and to the north east of the access to the proposed site. The Council consider that the proposed allocation will have a very moderate impact on the setting/significance of this Listed Building as referred to in the Council's Heritage Impact Assessment (HIA) of the site, **see Appendix F.**

The mitigation measures outlined in the Council's HIA include surfacing, landscaping, and attention being paid to boundary treatments including the gates at the site entrance. This detailed assessment of the heritage assets in relation to the siting of the proposed allocation, when combined with the proposed mitigation is considered to overcome the objection from Historic England.

It would not be feasible, nor would it be necessary in heritage terms to site the pitches towards the rear of the site. As has been illustrated by the Council's own HIA, the location of the proposed pitches at the northern end of the former Quarry, would not have a significant detrimental impact on the setting of the heritage assets.

- k) What effect would the proposal have on biodiversity on the site and in the local area? What ecological assessment work has been undertaken on the site? How would any impacts be mitigated? Which part of the site lies within the Wetland and Heath Ecological Stepping Stone Habitat? [the Council is requested to provide a map showing the location within the site]

The Council asked for comments from the Greater Manchester Ecological Unit, the Lancashire Environment Network Record (LERN) and the West Yorkshire Ecology Service upon receipt of the pre-hearing questions. Please see **Appendix G** for details of the responses received.

LERN do not have any record of protected species on site and the proposed allocation is not situated within Natural England's Priority Habitats Inventory.

The West Yorkshire Ecology Service have no record of protected species within the site but have record of notified species within 2km from the site, including of merlin and golden plover which are Annex II species in the South Pennine Moors (Phase 2) Special Protection Area. They suggest that: "The proposed allocation could fall within the "functionally linked land" used by SPA birds for feeding and loafing." and therefore would expect the allocation to require a Habitats Regulations Assessment.

The Local Plan has been subject to an Appropriate Assessment [SD006 and SD006.1]. Furthermore, a Technical Note on the Sustainability Appraisal and Habitat Regulations Assessment published during the replacement site consultation states that the proposed modification to the Gypsy and Traveller

site location in the Local Plan “will not change the conclusions of the 2018 and 2019 HRA as no new likely significant effects are anticipated”.

The West Yorkshire Ecology Service suggests that consideration should be given to the impacts of the development on birds and bats, as well as on the Calderdale Wildlife Habitat Networks for grassland and heathland.

Greater Manchester Ecology Unit undertook a preliminary ecological assessment of the site and their findings are set out in **Appendix G**. They suggest that additional surveys of the wetland habitat should be carried out to inform detailed development proposals and that mitigation measures would need to involve “*the retention and protection of wetland habitats*” and “*no foul or surface water drainage from the site should be allowed to drain into the wetland because of risks of pollution*”.

The Draft Wetland and Heath Ecological Network Map was produced by LERN and the Lancashire Wildlife Trust but not included in the Lancashire Ecological Network as “*the mapping provided did not match the description of the methodology used*”. Thus, LERN considers that it is not appropriate to use the draft Wetland and Heath Ecological Network at this stage.

The Council did use the draft map in the assessment of sites in the Strategic Housing Land Availability Assessment as a proxy to indicate potential ecological value. **Appendix H** shows the proposed allocation with a digitised version of the Wetland and Heath Stepping Stone Habitat as shown on the draft map [EB029].

l) Are there any outstanding concerns from the Local Wildlife Trust?

The Lancashire Wildlife Trust commented during the Regulation 19 consultation on a number of policies including Policy HS18: Gypsies, Travellers and Travelling Showpeople.

They stated that Policy HS18 was unsound because “*There is no reference to the need to consider biodiversity and any effect on wildlife sites, habitats, species, ecological networks and/or wildlife corridors. In accordance with the requirements of the NPPF, development should deliver net gains in nature.*”

They suggest the following modification to make the policy sound “*Specific reference to the need to consider biodiversity and any effect on wildlife sites, habitats, species, ecological networks and/or wildlife corridors. In accordance with the requirements of the NPPF, development should deliver net gains in nature*”.

The policy concerns that they raise would be addressed through the modifications to policies ENV1 & ENV4 of the Emerging Plan, including reference to net gain within the policies. They would also be met through the introduction of the proposed site specific policy for this Transit Site (outlined in the response to issue 6b below). The objectives of these policies are considered to address the matters raised in respect of ecology. Consequently, it is not considered there are any outstanding concerns from the LWT.

Issue 5 – Deliverability of the proposed replacement allocation at Sharneyford

- a) Who owns the allocation site? Has the landowner confirmed that the site is available for use as a transit site? If not, is the Council looking to gain control of the site using a Compulsory Purchase Order?

A small part of the site is owned by a Mr. Christopher Gillson and the remainder of the land has an unregistered title. In terms of the former, Mr. Gillson has expressed he has no objections to the sale of his land to the Council for the intended use. With regard to the latter, the Council has a Project Officer at the Land Registry assigned to assist with the process of seeking to gain control of the unregistered land. If negotiations with Mr. Gillson did not result in the sale of his land, then the Council would seek to use its Compulsory Purchase Powers to gain control of the land.

- b) How would the site be developed and managed? Is the landowner looking to bring forward the site themselves with financial involvement from the Council or other parties? Or would the site be sold/leased to the Council? What management plans/measures would be put in place to ensure the site functions effectively?

The site would be developed and managed by the Council. The Council is seeking to gain control of the unregistered land and would also be prepared to purchase the any other land necessary from Mr. Gillson, in order to facilitate the development of this site. Therefore, the Council would own and develop this site as it is considered that the nature of the site and the limited number of pitches does not create sufficient footfall to develop a business case for the provision by the private sector or local housing association and as such this facility would need to be funded from the Council and also managed by the Council.

In terms of site management, the entrance to the site should be secured by an electronic gate/key pad thus preventing any vehicle parking without approval hence the necessity to charge a fixed price per week in advance before access is provided. This can be implemented remotely and payments taken on line to book a stay at the site. This will require a minor staff but it will be important that the licence to stay has sufficient clauses inserted that allow the Council to repossess a specific plot if a resident has either not paid to stay or is causing anti-social behaviour that will affect the quiet enjoyment of the remaining plots or nearby residents. Cleaning of the amenity building and porta loos would be undertaken by the Council on a weekly basis.

The only formal guidance with regard to Gypsy/Traveller sites is the DCLG Designing Gypsy and Traveller Site – Good Practice Guide May 2008. For transit sites, this recommended the inclusion of warden accommodation but given the scope and scale of the proposed transit site this would not be feasible. The Council's Consultant Advisors on Gypsy/Traveller matters, Arc4 recommends that a nominated Council officer/department with access to the site would be contacted by Travellers needing transit provision in advance of

their arrival. This person/department would also provide ongoing support and monitoring of use. The site itself should have barrier/gated access to prevent unauthorised use.

- c) Have the potential costs of development, including the provision of services, construction of hardstanding and buildings and other mitigation measures been assessed? Has appropriate funding been identified to bring forward the site?

The cost of undertaking these works have been considered by ARC4 on behalf of the Council. They believe the works should be relatively minor and will depend on the works associated to providing drainage, water, and electricity. Normally this would be allowed for as a provisional sum within a Minor Works Agreement and would be contracted to a specialist contractor. Given the relative small minor amount of actual construction works within the site that are required it should be possible to prepare the site as suggested for below £150,000 however this will assume that the utilities works is of a limited nature.

The Council will seek to fund the works through an application to Homes England for grant funding and also from the Council's own funds.

- d) What are the estimated timescales for delivery of the site?

It is estimated that the site would be delivered in years 5 – 10 of the Plan period.

Issue 6 – General matters

- a) Is the site likely to contain significant areas of undeveloped land which are not required for the provision of pitches or mitigation purposes? If so, should the size of the proposed allocation area be reduced accordingly?

The wider Quarry site is not required to facilitate this proposed Transit Site allocation. It is only the land at the northern end of the quarry (as shown on the Site Layout Plan prepared by ARC4, **Appendix D**) that is required. Therefore, there are significant areas of land that are not required for the provision of pitches or mitigation. Consequently, the proposed allocation should be reduced to reflect that land necessary for the development of this site, as shown on the Site Layout Plan.

- b) Should the allocation be supported by a site-specific policy which sets out key requirements and mitigation measures? What should this policy contain? [without prejudice to my determination of the matter, the Council is requested to submit potential policy wording in its response]

The Council's suggested wording of the policy is as follows:

This site to be considered through subsequent planning applications will be required to comply with Policy HS18 and the following in so far as they are relevant to the site and its location:

- Access and parking – provide safe vehicle and pedestrian access from the site to the highway – ensure that there is sufficient turning space within the site to allow for safe vehicular movement – minimise conflict between pedestrians and vehicles on site – no vehicle over 3.5 tonnes shall be stationed, parked or stored on site.

- Environmental – avoid boundary treatment that has a detrimental visual impact on the character of the site and locality – provide landscaping to reinforce the boundary of the site and to provide screening of views into/out of the site – ensure that the site and the layout proposed on it would not cause harm to the significance or setting of heritage assets or biodiversity interests.

- General – provide details of wastewater infrastructure, including a foul drainage assessment and surface water drainage, incorporating SUDS where possible – ensure that waste is stored appropriately for disposal and able to be collected in an efficient manner – no commercial activities shall take place on the land, including the storage and sorting of materials – minimise external lighting to avoid a detrimental impact on the surrounding locality – the site shall be developed in a manner that shall not prejudice the future development of the wider Quarry site.

c) How does the Council currently deal with unauthorised encampments of gypsies and travellers? Are the sites usually tolerated or is enforcement action applied? Is the Council planning to introduce a policy on negotiated stopping?

- The Council has a procedure for dealing with unauthorised encampments involving the Legal Team and Property Services Team. The Council website provides further information to this end.

- https://www.rossendale.gov.uk/info/210168/environment/10723/unauthorised_encampments

- Unauthorised encampments are not tolerated and enforcement action is taken in a timely manner. The Council works closely with Lancashire County Council (LCC), particularly on Futures Park, as gypsies and travellers often remain on the highway without consent. The Council will serve all initial notices requesting that the unauthorised encampment leaves the highway land and then support LCC in the event legal proceedings are necessary due to a failure to comply with the notice. Where the unauthorised encampment is solely on Council land a possession order is sought at the earliest opportunity. The Council will also work with the Police where the particular circumstances of the unauthorised encampment allows the Police to serve a Direction.

- The Council does not have a policy on negotiating stopping but would seek to formulate and implement a policy in the event that the proposed Transit Site at Sharneyford was not deemed suitable as an allocation in the Emerging Local Plan.

d) If the proposed site does not come forward for development, what actions (planning and non-planning) would the Council consider taking to address the needs of gypsies and travellers for temporary stopping places?

If the site does not come forward the Planning Department would seek to modify planning policy HS18, 'Gypsy and Travellers,' for subsequent adoption to address the need through temporary stopping places. The Council as a whole but particularly, the Housing and Planning departments, in conjunction with Lancashire County Council would seek to identify suitable sites for authorised stopping and implement the measures to successfully manage such temporary stopping places. The Council would also discuss the option of using transit provision in the neighbouring borough of Hyndburn at the Whinney Hill site.