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# Dacorum Site Allocations Development Plan Document Examination Matters, Issues and Questions

Hearing Session Paper – Matter 3 “Gypsies &  
Travellers”  
CALA Homes

Representor ID: 494131

September 2016



**Dacorum Site Allocations Development Plan Document Examination**

**Matters, Issues and Questions**

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**CALA Homes**

**September 2016**

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## INTRODUCTION

This Hearing Session Paper is to be read in conjunction with the Representations to the Site Allocations Pre-Submission Consultation 2014 by Barton Willmore on behalf of CALA Homes (November 2014) (“the 2014 Representations”).

Matters specifically relating to viability are addressed in Hearing Session Paper 11 in direct response to Question 4 although some references to viability are included below for completeness.

In terms of Question 1, we demonstrate below that:

- An updated Gypsy and Traveller Needs Assessment has not been undertaken, as requested by the Inspector in his Report into the Core Strategy in July 2013;
- A failure to undertake an updated Gypsy and Traveller Needs Assessment has led to the suspension of previous Local Plan Examinations;
- Notwithstanding the above, an appropriate site selection process has not been undertaken for Gypsy and Traveller pitches, with the latest analysis undertaken in 2006;
- The Council has misapplied its own evidence base in terms of what Opinion Research Services (ORS) has ‘suggested’ may be the way forward in its January 2013 Assessment;
- The Worcestershire case referred to in the ORS Assessment is not an appropriate comparison to Policy LA5;
- The site for the traveller pitches lies within the Green Belt (albeit proposed to be removed) and the AONB. There has been no appropriate review of the Green Belt in this area to justify its revision, which now results in an illogical boundary that does not coincide with the AONB. This is explained further and illustrated in **Appendix 1**; and
- The need for traveller pitches does not arise as a result of LA5 and therefore the requirement for the developer to meet this need does not comply with the Community Infrastructure Levy Regulations 2010 (as amended), nor is there a willing land owner to deliver these pitches.

Therefore, in terms of Question 1, the Council’s approach does not comply with the NPPF, the Core Strategy or Planning Policy for Traveller Sites (2015) and is therefore not positively prepared, justified, effective or consistent with national policy.

In terms of Question 3, we demonstrate that should the delivery of the traveller pitches come in advance of the rest of the allocation then it will impact negatively on saleability, revenues (and hence land value) and thus overall viability of the whole site. Therefore, the DPD is not positively prepared, justified, effective or consistent with national policy.

## **MATTER 3 – GYPSIES & TRAVELLERS**

### **1. Question 1**

- 1.1 The above question will be addressed against the Core Strategy (CS) and Planning Policy for Traveller Sites (PPTS) separately for ease of reference and given the different tests that need to be applied to each document to assess conformity.

#### Core Strategy

- 1.2 The Core Strategy was adopted in September, 2013. Policy CS22 of the Core Strategy establishes a broad approach to accommodating the needs of the gypsy and traveller community in the Borough. In adopting the CS the Inspector in paragraph 35 of his Report on the Examination of the Core Strategy (July 2013) stated:

*“The CS establishes the broad approach to accommodating the needs of the gypsy and traveller communities in the Borough. Criteria are set out in policy CS22 against which the suitability of sites can be assessed. The identification and provision of sites will be progressed through the Site Allocations DPD, which will be based on a new assessment of the needs of the travelling community. The DPD is currently scheduled for adoption in 2015. The Council is proposing a change to policy CS22 which would introduce a reference to the Gypsy and Traveller Needs Assessment (which will establish the target for new pitches) and this is required in the interests of soundness [MM16]. The Council’s approach will thus accord with the advice in ‘Planning Policy for Traveller Sites’ (March 2012).”*

- 1.3 Policy CS22 confirms that the “target” for new pitches will be set according to the most recent Gypsy and Traveller Needs Assessment (GTNA) and that this target will be progressively met through five broad criteria. A GTNA, which establishes “need”, was undertaken by ORS in January, 2013.
- 1.4 At this very high level, the Council’s approach to traveller sites therefore generally conforms with the Core Strategy. However, given the very broad nature of Policy

CS22 it is difficult for the Council's approach *not* to conform with the policy, particularly as there is no text in relation to how sites will be assessed for inclusion in the Site Allocations DPD.

1.5 In other words, the Council's approach conforms with the Core Strategy simply insofar as:

- A GTNA, to establish "need", has been undertaken (albeit not updated since the Inspector's request in July 2013);
- The proposed sites are distributed in a dispersed pattern around settlements; and
- They are located close to facilities.

1.6 In essence, hundreds of sites could comply with the second two bullet points therefore there should not be an over reliance on simple "conformity" with the Core Strategy in this instance; this is supported by the fact that the Inspector identified that Policy CS22 establishes a "broad approach".

1.7 Further, the text in paragraph 35 is clear in that the Inspector expected sites to be identified through the Site Allocations DPD via the preparation of a new GTNA undertaken in parallel with the preparation of the Site Allocations DPD and that the 2013 ORS GTNA would only form part of the background evidence base for the Site Allocations DPD.

1.8 As no updated GTNA nor a robust or transparent site identification process have been undertaken since the adoption of the Core Strategy the Council's approach does not conform with Policy CS22 as the Inspector's commentary on Policy CS22 clearly refers to the need to identify sites.

#### Planning Policy for Traveller Sites (PPTS)

1.9 Planning Policy for Traveller Sites (PPTS) (August 2015) sets out the Government's planning policy for such sites. This replaces the previous 2012 Planning Policy for Travellers Sites document, which the ORS GTNA was prepared against.

1.10 The key change from the previous 2012 PPTS is the change to what constitutes a 'traveller.' Annex 1 of the 2015 PPTS defines this as:

*"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel*

*temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*

- 1.11 Annex 1, therefore, re-defines what constitutes a gypsy for the purposes of planning policy to those who have stopped travelling temporarily. The key change is that travellers must demonstrate a nomadic habit and must be stopping for a temporary period, not permanently. In comparison the Council's 2013 ORS GTNA states at paragraph 1.10 that:

*"LPAs should set pitch targets...which address the likely permanent and transit site accommodation needs of travellers..."*

- 1.12 On this basis, it is very likely that traveller needs for Dacorum will now be reduced and an updated assessment of traveller need should be prepared by the Council to ensure the Plan represents an accurate assessment of need and can be found sound.

- 1.13 It should be noted that the failure to provide an updated assessment of traveller need led to the suspension of the Swale Borough Council Local Plan Examination held by Inspector S. Turner who stated in her interim report (para 11, 12, 14):

*"11.The submitted Plan was supported by the 2013 Gypsy, Traveller and Travelling Showpeople Accommodation Assessment: Swale (CD/037). It identified a need for 85 pitches which were to be delivered through provision on larger site allocations, as set out in Policy CP3, with the remainder allocated though a separate Local Plan (LPP2).*

*12.In August 2015 the Government published revised Planning Policy for Traveller Sites (PPTS) which, amongst other things, changed the definition of Gypsies and Travellers. The Council acknowledges that in the light of the new PPTS the Plan's target and policies may not now represent an accurate assessment of need. It has therefore examined the implications of the 2015 PPTS as part of the evidence update and its findings are set out in the Update Paper on GTAA and policy implications (SBC/PS/38).*

*14.The evidence update provides a well-reasoned and pragmatic solution to ensure that the Plan aligns with up to date policy on Gypsy and Traveller Sites. Unless any government guidance advocating a different approach is issued before the Plan is adopted I consider that this approach will serve to make the Plan effective and consistent with national policy."*

- 1.14 Paragraph 4 of the 2015 PPTS document sets out 11 aims in respect of traveller sites. It is considered that the current approach fails to conform with criterion b, d, g, i, and k. Further, PPTS identifies 9 policies (Policies A-I) and it is considered

that the Council's approach in terms of allocating traveller pitches in LA5 fails to conform with Policies A, B and E in particular, with the other policies not being directly relevant to this specific issue.

Dacorum Borough Council (DBC) approach

- 1.15 As set out within the 2014 Representations, Barton Willmore has previously identified that no up to date assessment of the availability or suitability of sites within the Borough has been undertaken and that an early decision appears to have been made to co-locate gypsy and traveller sites with local allocations identified in the Core Strategy.
- 1.16 This is evidenced by paragraph 6.36 of the Site Allocations Pre-Submission document which states that *"The Traveller Needs Assessment advises that the best way to accommodate sites is as part of larger housing developments"* and, apparently as a direct consequence, paragraph 6.37 simply states that *"New pitches will be provided as part of the three largest Local Allocations (Policies LA1, LA3 and LA5)"*.
- 1.17 It appears that this option has been pursued based upon one reference in paragraph 8.10 of the ORS Assessment, which includes a reference to this approach being adopted in Worcestershire which states: *"For an area such as Dacorum where large new housing developments are being considered this **may represent** a practical and effective means of delivering sustainable new Gypsy and Traveller sites" (our emphasis)*.
- 1.18 It is therefore totally erroneous to state that the ORS Assessment advises that the *best* way to accommodate sites is as part of large housing developments as the Council's own evidence base simply does not say this. CALA Homes therefore has serious concerns about this 'suggestion' and the momentum that it appears to have gathered for a number of reasons.
- 1.19 Firstly, it is evident from paragraphs 1.2 and 1.3 of the ORS Assessment that the scope of the study was to identify need for additional provision and to assess the needs of people living on existing sites. i.e. the scope did not include identification of sites and the reference in paragraph 8.10 is the only suggestion regarding how DBC may address the needs identified. This is not a criticism of the ORS Assessment, but it is an important consideration in that DBC has placed an over reliance on one statement from ORS regarding a *potential* way forward when the scope of the Assessment was of a very different nature.

- 1.20 Secondly, there has been no assessment of potential gypsy and traveller sites since a Scott Wilson study in 2006. There is therefore no up to date robust evidence base regarding potential sites for gypsy and traveller pitches.
- 1.21 Thirdly, the ORS Assessment refers to the example of Worcestershire where gypsy and traveller sites are seeking to be incorporated within allocations and that consequently “large new housing developments” may be appropriate locations for gypsy and traveller sites. However, in this case, three local planning authorities (Malvern Hills, Worcester and Wychavon) are preparing a joint South Worcestershire Development Plan (SWDP). Up to 10 traveller pitches are proposed within two strategic urban extensions (locations of pitches not specifically identified) – Worcester South SWDP 45/1 (a 247ha urban extension comprising 2,600 homes, 20ha of employment, community facilities, substantial open space, leisure and recreation areas and a local centre) and Worcester West SWDP 45/2 (a similar urban extension comprising 139ha and 2,150 homes).
- 1.22 It is therefore clearly evident that these very large strategic urban extensions have sufficient land available within them to deliver up to 10 pitches in suitable locations with access to a range of facilities without impacting on the viability of the development or “in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community” (paragraph 3 of PPTS (August 2015)). This matter was addressed in the Examination into the South Gloucestershire Core Strategy. In paragraph 153 of the Inspector’s Report, when referring to a recommended main modification, the Inspector stated that:
- “This also proposes the deletion of land at Howsmoor Lane, Emersons Green that is not an authorised gypsy and traveller site and confirms that sites which come forward should have regard to the amenities of both new and existing residents”.*
- 1.23 For completeness, all other gypsy and traveller needs in the SWDP are proposed to be met as extensions to existing sites (plus one regularisation of a temporary planning permission) AND all through a specific Gypsy and Traveller DPD which is still being prepared.
- 1.24 In comparison, Policy LA5 comprises approx. 18ha and seeks to deliver 180-200 homes, 0.75ha of B class uses, a 1.6ha cemetery extension, 6.1ha of open space and 5 traveller pitches, all of which are specifically identified within the proposed allocation. This allocation is therefore very different to the Worcestershire allocations that are substantially larger in terms of housing numbers and total size and therefore cannot reasonably be considered a direct comparison.
- 1.25 Fourthly, the two existing sites within Dacorum Borough Council are not in the

Green Belt whereas the proposed location of the five traveller pitches in Policy LA5 is in the Green Belt (albeit proposed to be removed), and within the AONB. Policy E of PPTS states that “Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development”. Aim d. of the policy document states that “plan-making and decision-taking should protect the Green Belt from inappropriate development”. There is a clear conflict here.

- 1.26 Fifthly, the gypsy and traveller survey that is summarised within the ORS Assessment clearly identifies the two main factors which attracted respondents to the area were to be near to family or because of the open countryside and that connections to the area were important. 91% of respondents expressed some form of satisfaction with their site, 60% of respondents felt that no improvements were required and three respondents reported that they would like more caravans at the existing site. The survey concludes that all sites are fully allocated and that any vacancies that arise are promptly filled from the waiting list (which amounts to 31 applicants).
- 1.27 All of the above results point to the fact that extensions of the existing sites would meet the needs of the existing communities at those sites. Both sites appear to have room for expansion nor do they lie in the Green Belt. One existing site lies in Hemel Hempstead, the only settlement in the top tier of the settlement hierarchy in the Core Strategy, and Long Marston is a 4<sup>th</sup> tier settlement, with the existing site at Cheddington Lane positioned adjacent to a bus stop and approx. 600m from the nearest primary school.
- 1.28 Sixthly, it appears that the Council is relying upon CALA Homes to deliver the gypsy and traveller pitches on the Council’s behalf. It must be noted that the need for gypsy and traveller provision does not arise as a result of Policy LA5 but arises through different, unrelated means. As such the requirement for the developer to meet the need to deliver pitches within LA5 does not meet the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) insofar as the delivery of pitches is not necessary to make the development acceptable in planning terms, not directly related to the development and not fairly and reasonably related to the development.
- 1.29 Further, paragraph 173 of the NPPF refers to the need to “provide competitive returns for a willing land owner”. It appears from Policy LA5 that the Council wants the landowner to simply gift the site to them for the delivery of the gypsy and traveller pitches and, as previously indicated, the land owner is not willing to do

this.

1.30 Finally, CALA homes has consistently objected to the proposed allocation of traveller pitches within LA5.

1.31 Consequently, Policy LA5 as currently drafted does not conform with a number of the aims and policies of PPTS for the reasons summarised below.

**Aim b** – The Council has not worked collaboratively with CALA Homes or the site’s owners, nor has a fair and effective strategy been employed to identify sites.

**Aim d** – Traveller sites are deemed inappropriate development within PPTS and the proposed traveller site previously lay within the Green Belt. The submission version of the Site Allocations Plan now proposes to remove the traveller site from the Green Belt. We consider this to be an ‘ad hoc’ and illogical Green Belt boundary change and this is illustrated in **Appendix 1**. This revision has therefore not followed NPPF policy (para 83), which requires that Green Belt boundaries are only altered in exceptional circumstances with consideration given to their intended permanence in the long term. Given the illogical revision of the Green Belt boundary to now include 5 pitches, which does not follow any existing field boundary or hedgerow nor does it mirror the AONB boundary, it is unlikely that it would be capable of enduring beyond the plan period.

**Aim g** – Policy LA5 is not fair, realistic or inclusive as there has not been an effective engagement policy or site selection process. It is likely that prospective buyers will perceive that the provision of traveller pitches on the LA5 site would undermine the desirability of the location, impacting negatively on future sales revenues and, therefore, the overall land value of LA5 and consequently the site’s viability. This would have a detrimental impact on the ability of the development to deliver other planning obligations and would also lead to a decrease in predicted sales rates for the site, thereby impacting on the council’s ability to demonstrate a 5-year land supply position.

**Aim i** – There is insufficient flexibility within Policy LA5 at present to adequately address potential impacts on residential amenity given the strict demarcation of the traveller site and the limited scope for relocation within the allocation, unlike the aforementioned Worcestershire examples.

**Aim k** – The comments raised above in relations to Aims d and i apply equally to this aim.

**Policy A a)** – The developers of local allocations have not been adequately consulted, nor have they been consulted early enough in the process. There has been no community engagement regarding alternative sites to LA1, LA3 and LA5 and no specific Call for Candidate Sites for gypsy and traveller accommodation. The Core Strategy allocation at LA5 has undergone extensive public consultation and masterplanning exercises with the local community ahead of adoption in 2012. The Core Strategy did not require gypsy or traveller provision to be made on the site. Adding the requirement at this late stage will in effect by-pass the requirement to meet the agreed aspirations and requirements of local people for the LA5 site which were adopted in the Core Strategy.

**Policy A c)** – Whilst the 2013 ORS needs assessment has been undertaken there is no robust evidence in relation to site selection.

**Policy B d)** – 5 pitches in a pre-determined location on a relatively small site (regardless of the fact that it is one of the largest allocations in the borough) is not commensurate with the Worcestershire examples above. This approach therefore does not appropriately relate the number of pitches to the specific site characteristics of Policy LA5 and is disproportionate in the allocation of pitches compared to sites LA1 and LA3.

**Policy B e)** – This has been addressed above in relation to Aims d and i.

**Policy E** – This has been addressed above.

**Policy H** – Whilst this policy refers to decision-taking, paragraph 27 states that when Councils cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in considering applications for temporary permission for traveller pitches and sites, with some exceptions, including within Green Belts and AONBs. The traveller site within Policy LA5 remains within the AONB. This paragraph also deals with temporary permissions therefore it is clear that Government policy is seeking to direct gypsy and traveller sites away from AONBs.

1.32 The Council's approach therefore fails to conform with PPTS for the above reasons. Consequently, Policy LA5 as currently drafted is not sound as it is not positively prepared, effective, justified or consistent with national planning policy.

1.33 We have provided a comparison of how Gypsy and Traveller provision has been addressed in Local Plan Examinations in other local planning authorities at **Appendix 2**.

**3.0 Question 3**

- 3.1 For the reasons stated above, the delivery of 5 traveller pitches within Policy LA5 is not supported by CALA Homes, regardless of when delivery occurs. Notwithstanding, should the traveller site element of these allocated sites come forward in advance of the development of the rest of the site it is anticipated that this could have an even greater detrimental impact on the viability of the scheme as a result of negative impacts on saleability, as addressed in more detail in Hearing Session Paper 11.

## APPENDIX 1 - LANDSCAPE AND VISUAL ADVICE NOTE

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## Appendix 1

# Land at West Tring: Landscape and Visual Advice Note

Prepared on behalf of CALA Homes (South) Ltd

September 2016



# Appendix 1

## Land at West Tring: Landscape and Visual Advice Note

Prepared on behalf of CALA Homes (South) Ltd

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## **ILLUSTRATIVE MATERIAL**

Figure 1: Policy LA5 - Revised Green Belt Boundary Plan

## 1.0 LANDSCAPE AND VISUAL ADVICE NOTE

### Introduction

- 1.1 Barton Willmore Landscape Planning and Design (BWLPD) prepared, on behalf of CALA Homes (South) Ltd., a landscape and visual impact assessment (LVIA) (August 2012) to inform development proposals at the above location (the 'Site'), including thorough consideration of potential landscape and visual effects arising.
- 1.2 We are now requested to provide landscape and visual advice in respect of the proposed allocation of land at the Site for residential, employment, open space, cemetery and gypsy/traveller land use, as set out in Dacorum Borough Council Site Allocations Pre-submission draft (January 2016), Policy LA5: Icknield Way, West of Tring, which also refers to Local Allocation LA5 Draft Masterplan (October 2015).
- 1.3 The proposed allocation of land is broadly in line with the Landscape and Visual Opportunities and Constraints set out in the LVIA. However, the draft allocation now includes a gypsy/traveller site in the western area of the Site, in addition to a cemetery extension.
- 1.4 The proposed allocation is considered below in terms of overarching landscape and visual considerations and then specific aspects of existing and proposed policy are addressed.

### Landscape and Visual considerations associated with Draft Allocation LA5

- 1.5 It is considered that the proposed cemetery, whilst introducing some low-level forms into the southern part of the Site, would, if designed and managed to the 'green cemetery' principles set out in paragraph 5.56 of the draft masterplan, result in minimal adverse effect, if any, on the Chilterns Area of Outstanding Natural Beauty (AONB) in which it would be situated. In fact, this would have potential to provide a softened transition between the urban area and the wider landscape of the AONB which would be of material benefit in landscape terms.
- 1.6 The proposed gypsy/traveller site is assumed to include access gateway infrastructure, hard standing and parked vehicles including caravans/mobile homes, associated with around 5 no. pitches as set out in the Draft Masterplan which also notes the potential for ancillary facilities, which would potentially include built form.
- 1.7 Policy CS22: New Accommodation for Gypsies and Travellers, of the Dacorum adopted Core Strategy (September 2013) explicitly states that new sites will be:

*e) "(e) designed to a high standard with:*

*ii) (i) an open frontage similar to other forms of housing; and*

***iii) (ii) landscaping or other physical features to provide an appropriate setting and relationship to existing residential areas."***

- 1.8 It is considered that in the specific context of the part of the Site proposed for a gypsy/traveller site, within the Chilterns AONB and on a key gateway to the settlement of Tring, there is an inherent contradiction in how this policy would be implemented. Local precedent, further south-east along Aylesbury Road/Western Road, notably immediately to the east of the existing cemetery, is indeed of built form with relatively positive and open frontages to the roadway. If this openness of frontage, in accordance with the policy and local context, were replicated for the gypsy/traveller site, this would create a very prominent detracting visual presence on a key approach to Tring and within the AONB.
- 1.9 This potential flaw in the proposal appears to be recognised by the draft masterplan and draft allocation, which both note the need for landscape screening/softening for the gypsy/traveller site. Whilst reflecting sub-point ii) of point (e) of the policy, this would contradict sub-point i).
- 1.10 To be effective in minimising visual effects, including on the proposed open space usage and east-west movement corridor of land to the north and west, which is on rising ground; and particularly effects on landscape character, given the prominence of this location at the settlement gateway and its situation within the AONB, such screening would need to be comprehensive and unaffected by seasonal change. Whilst the existing hedgerow planting along Aylesbury Road provides some degree of screening, this would need to be supplemented and extended around the proposed gypsy/traveller site by very robust mixed native species planting, potentially augmented by landform which would need to be subtly graded to avoid appearing out of character in itself, requiring further land take. This extent of landscaping would potentially impinge on the capacity of the gypsy/traveller site but in any event, even if landform were provided, the screening, notably in winter, would not be likely to be effective for a number of years and even then, the access arrangements would be visible from the road and allow views into the Site from passing traffic and pedestrians.
- 1.11 In terms purely of landscape character, rather than simply views, the proposed forms and use of the gypsy/traveller site would, by their very nature, introduce temporary, transient elements into the AONB landscape, creating an unsettled character at odds with residential development and the tranquillity of the cemetery extension. The associated landscaping would be prominent, especially if landform were introduced, as would most likely be necessary to provide robust, year-round screening, as noted above. Such landscaping, whilst aiming to provide visual screening would conversely draw attention to the use of the land and would potentially be counter-productive in terms of effects on landscape character.

- 1.12 Furthermore, the character of the edge of the settlement, rather than flowing as a natural transition westwards into the AONB from existing and proposed residential development, through the 'green cemetery' and Public Open Space (POS) to the wider landscape; would instead be disrupted by an intensification of land use, built form and vehicle parking to the west of the cemetery.
- 1.13 It is therefore concluded that the proposed gypsy/traveller site would constitute a marked detracting element on the character of the AONB and the character and visual amenity of this gateway to the settlement.

#### **Local Allocation LA5 Draft Masterplan (October 2015)**

- 1.14 Figure 9: Opportunities and Constraints Plan shows the "opportunity to improve the existing urban edge" as a belt extending along the northern flank of Aylesbury Road. The proposed gypsy/traveller site would clearly contradict this aspiration, as well as the Constraint noted under section 4 that:

***"The development should conserve the special qualities of the western part of LA5, as this land is within the Chilterns Area of Outstanding Natural Beauty."***

- 1.15 In terms of the noted Opportunities, the existing urban edge would not be improved, nor would the proposal contribute to the open space in the western fields can also being enhanced to provide an attractive green gateway into Tring from the A41. Furthermore, the aspiration for native tree planting along Icknield Way and Aylesbury Road (including by the A41 roundabout), also seeks to ***"maintain views into and out of the site to connect the site visually with the surrounding countryside"***. The proposed gypsy/traveller site would clearly contradict this aspiration, as it would the broader Design Principles set out on page 34 of the draft masterplan which seek locally characteristic design.
- 1.16 It is likely that the proposed gypsy/traveller site would be contrary to the design aspiration set out in paragraph 5.36 to avoid artificial lighting in the western fields open space as there would inevitably be influence of lighting, either in the form of direct glare or light spill, from the proposed use.

#### **Site Allocations Pre-submission draft (January 2016), Policy LA5: Icknield Way, West of Tring**

- 1.17 For the reasons given, the proposed gypsy-/traveller site would fundamentally undermine the West of Tring Vision (drawn from the 2015 Masterplan), which states that:

***"The new development will be an attractive place in its own right..."***

***Its character and appearance will complement and enhance Tring and the Chilterns AONB.***

...

***The use and management of most of the western fields for open space will enhance the appearance and enjoyment of the Chilterns AONB. Landscaping will maintain and complement the green gateway and entrance corridor into the town."***

- 1.18 In addition to the adverse effect on the character of the AONB, notably as experienced at the Tring gateway and within the proposed western fields POS, for the reasons given above in relation to the disruption of the transition from the settlement to the wider landscape of the AONB, the proposed gypsy/traveller site would not provide the soft transition to the AONB set out in the Key Development Principles.

### **Green Belt**

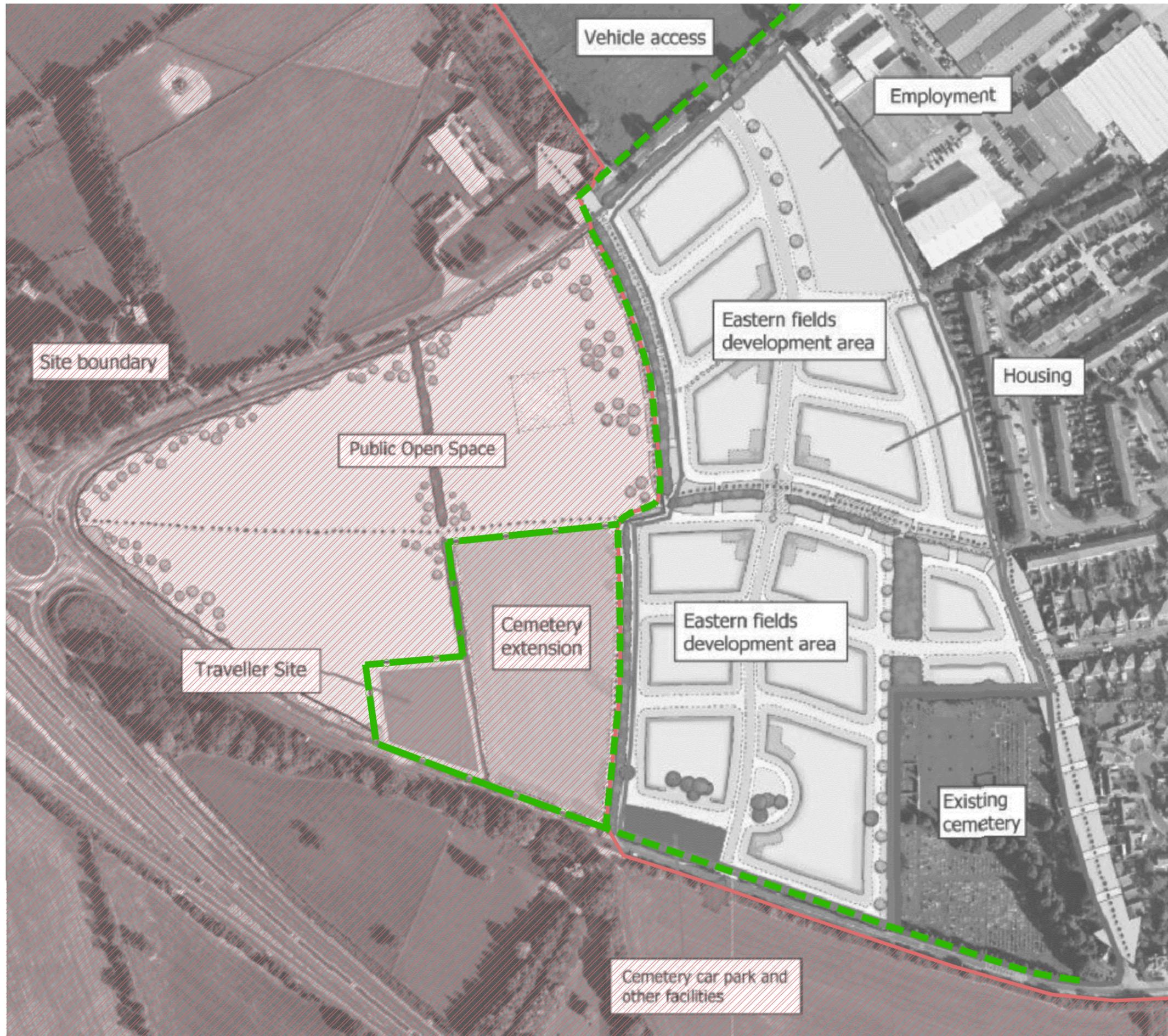
- 1.19 The proposed gypsy/traveller site would be removed from the Green Belt. In terms of NPPF paragraph 85, point 6, there is currently no readily recognisable physical feature on the ground in this location to define the revised Green Belt boundary. This is unlike the previous draft proposed allocation which proposed the substantial hedgerow dividing the western and eastern areas of the Site as the revised Green Belt boundary. The two alignments are shown in **Figure 1**. There would therefore be a requirement for a robust and permanent Green Belt boundary to be created around the proposed gypsy/traveller site. The landscape design approach described above, to attempt to mitigate potential landscape and visual effects, would also need to provide a permanent Green Belt boundary.
- 1.20 In this respect, the contents of UK Government Planning Policy for Traveller Sites (August 2015), Policy E: paragraph 26 d) under Policy H are noted, namely that proposals should avoid:

***"enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community."***

- 1.21 Whilst any perimeter landscape design associated with the proposed gypsy/traveller site would need to included predominantly soft, rather than hard landscaping, it is likely that the requisite level of screening given the AONB context, views from the adjacent area (including the proposed POS) and the appearance of the gateway to the settlement, would indeed create the situation that occupants appeared deliberately isolated from the rest of the community. Whilst this policy nominally refers to sites within the Green Belt, the requisite approach would run contrary to the underlying design principle set out in this policy.

**Conclusion**

- 1.22 In summary, it is considered that the proposed allocation of land within the Site for gypsy/traveller use would be harmful to visual amenity and landscape character, including that of the AONB; would contradict design principles within the Draft Masterplan and Draft Allocation; and, in an attempt to mitigate this harm, as well as creating a robust and permanent Green Belt boundary where there currently is none, would be contrary to government policy guidance on the landscaping of gypsy/traveller sites.



**Legend:**

-  Chilterns Area of Outstanding Natural Beauty  
Source : Natural England GIS Data Set
-  Proposed Green Belt boundary as shown in pre-submission draft allocation, 2014
-  Proposed Green Belt boundary as shown in pre-submission draft allocation, 2016

**Note:**  
 Drawing based on Dacorum Borough Council Site Allocations Pre-Submission document incorporating the Focused Changes 2016 - Policy LA5

Project  
**West of Tring**

Drawing Title  
**Policy LA5 - Revised Green Belt Boundary Plan**

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**APPENDIX 2 - GYPSY AND TRAVELLER MATTERS IN OTHER LOCAL PLAN  
EXAMINATIONS**

Other Local Planning Authorities

A2.1 It is useful to identify how other local planning authorities are addressing the need to meet gypsy and travellers sites, and a sensible approach is to assess the remaining nine Hertfordshire districts. All of the districts are still finalising their gypsy and traveller provision through various means with the exception of Three Rivers which has adopted a specific Gypsy and Traveller DPD.

*Broxbourne*

A2.2 There are four existing gypsy and traveller sites within Broxbourne. The emerging strategy is to expand two sites, regularise one, and relocate another. The relocated site is on the far edge of a strategic allocation which includes 1,250 homes and is separated from the rest of the allocation by woodland. It is therefore not comparable with Policy LA5.

*East Hertfordshire*

A2.3 As with South Worcestershire, sites are proposed to be allocated within large strategic allocations, with specific locations not yet identified, and therefore not comparable to Policy LA5.

*Hertsmere*

A2.4 The emerging Site Allocations and Development Management Plan proposes one extended site and the regularisation of two other sites, none of which are near proposed housing allocations.

*North Hertfordshire*

A2.5 The emerging plan proposes one extension to an existing site, which is away from proposed housing allocations.

*St Albans*

A2.6 St Albans is adopting the Worcestershire approach above therefore not comparable to Policy LA5.

*Stevenage*

A2.7 One new site is proposed, away from existing residential allocations.

*Three Rivers*

A2.8 Two new allocations are confirmed in the adopted DPD, none of which are near existing housing allocations.

*Watford*

A2.9 One new site is proposed, adjacent to an existing site, neither of which are near proposed housing allocations.

*Welwyn Hatfield*

A2.10 Welwyn Hatfield is proposing a mixed strategy including adopting the Worcestershire approach, extensions to existing sites (none of which are near proposed housing allocations) and providing off-site contributions in the form of sites elsewhere in the district as opposed to being within proposed strategic allocations. None of these strategies are therefore comparable with Policy LA5.

A2.11 Consequently, none of the other nine Hertfordshire local planning authorities are proposing the strategy adopted by Dacorum of specifically identifying sites within relatively small allocations, regardless of whether they are the largest in the district or not.

A2.12 Another useful comparison is to consider how Gypsy and Traveller provision has been addressed in Local Plan Examinations in other local planning authorities.

A2.13 In the Inspector's Partial Report for the Chorley Local Plan (October 2013) it was evident that the Council's Gypsy and Traveller Accommodation Assessment (GTAA) was not up to date, and therefore the lack of allocations within the Plan was unsound. The Inspector (S. Bussey) stated at Paragraph 13:

*"At the time of adoption of the CS, the Framework and PPTS had just been published. Since then, well over a year has lapsed and the GTAA, which was based on a 'need where it arises' approach, recognised in that report as being unsustainable, has become correspondingly more out-dated. Thus continued reliance upon it conflicts with policy B of the PPTS.....I conclude that these factors indicate that the GTAA is not sufficiently up-to-date and that consequently, the approach of the Plan to not allocate sites for Gypsies and Travellers is not underpinned by robust evidence and is, therefore, unsound."*

A2.14 Options that were considered to address this were to suspend the examination to undertake an up-to-date GTAA or to commit to undertake a separate Gypsy and Traveller Site Allocations DPD. The former approach was adopted (as it was in similar circumstances in Hull 2012 and Ribble Valley 2012), whereas West Lancashire (2013) chose the latter route when faced with the same issue at its Local Plan Examination.

A2.15 Whilst DBC has undertaken a needs assessment, the application of that assessment is flawed as a robust assessment of potential sites has not been undertaken. Therefore, whilst the specific circumstances in the above Local Plan Examinations

differ slightly to the current situation, the fact remains that inadequate gypsy and traveller provision can render a Plan unsound, thereby causing significant delays.