

Cabinet - 26th July 2023

Appendix J

Publication of the Gypsy and Traveller Site Allocations Development Plan Document

Draft Main Modifications

Nuneaton & Bedworth Gypsy and Traveller Site Allocations DPD

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Reference: PINS/W3710/429/5

CD 6.2 - Schedule of Main Modifications

(Further Additional Modifications are provided in CD 6.3).

June 2023

This document (CD 6.2) provides details of the Main Modifications that are recommended by the Inspector to make the DPD sound and legally compliant.

The Additional Modifications found in the separate document (CD 6.3) are those which do not materially affect the Policies in the DPD, but which are generally minor factual updates; corrections of any errors or which are considered necessary for clarity.

Main Modification Reference	DPD Sub Section/ Paragraph/Policy box/table/Page number of amended DPD	Proposed Main Modification. (New words added in bold and underlined. Deletions stricken through.)	Reasons for modification
MM1	'1.0 Introduction'/ Paragraph1.2/ Page 1	Alter minor wording and add text at end of paragraph to read: "1.2 Policies DS4 – Overall development needs and H3 – Gypsies and Travellers set out the need for new pitches by 2031/2032 to be at least 39 residential and 5 transit pitches. Policy H3 does not set out where the new pitches would be provided but sets out the criteria that will be used to identify potential locations for residential and permanent pitches through the Gypsy and Traveller Site Allocations Development Plan Document (DPD). It is through this DPD that land <u>is</u> identified and allocated for future traveller sites. <u>Policy H3 of the current adopted Borough Plan (2011-2031) is superseded entirely by the DPD and in the emerging Borough Plan Policy H3 will purely refer to the DPD for Policies relating to Gypsy, Travellers and Showperson pitches and plots.</u> "	To make clear that Policy H3 of the current adopted Borough Plan (2011-2031) is superseded by the Gypsy and Traveller Site Allocations DPD. To state that Policy H3 of the emerging Borough Plan will be amended purely to refer to Policies within the Gypsy and Traveller Site Allocations DPD.
MM2	'3.0 Need/Future Need'/ Paragraph 3.9/ Page 7	Add text within paragraph to read: "3.9 In the 2021 GTAA it is recommended that the <i>"...evidence base is refreshed on a 5-yearly basis to ensure that the level of pitch and pitch provision remains appropriate for the Gypsy, Traveller and Travelling Showpeople population across Nuneaton and Bedworth."</i> This is an important element of confirming that the need in this DPD remains as required. <u>It is therefore the Council's intention that the number of new pitches will be assessed each year at the Authority</u>	To clearly set out what will be carried out at the AMR stage in order to encourage sites coming forwards and when the DPD will be reviewed.

		<p><u>Monitoring Report (AMR) stage and landowners contacted to encourage the sites to come forwards. The DPD will be reviewed five years after adoption and subsequently five years thereafter on an ongoing basis, to ensure the document meets the current needs.</u> The update of the GTAA is referenced in Table 3 of Chapter 5.0 on Monitoring of this document. Should need be found to have changed beyond that set out in this DPD (or indeed for another reason such as undeliverability of a site or sites) then this should trigger a review of this DPD.”</p>	
MM3	Strategic ‘Policy GT1 – Overall Need’/ Page 8	<p>Add text at end of Policy to read: “The following levels of development will be planned for and provided within Nuneaton and Bedworth Borough between 2021 and 2037:</p> <ul style="list-style-type: none"> • At least 6 permanent residential pitches to accommodate Gypsies and Travellers by 2025; and • At least a further 5 permanent residential pitches beyond those required by 2025 so that, in total, at least 11 permanent residential pitches to accommodate Gypsies and Travellers by 2037. <p><u>This Policy supersedes the third bullet point of Policy DS4 of the adopted Borough Plan (2011-31).”</u></p>	<p>To make clear that the numbers for pitches within the existing Borough Plan (2011-2031) and the period of cover.</p> <p>This modification is also necessary to clarify which section of the existing Local Plan is superseded by the DPD.</p>
MM4	‘4.0 Location of Pitches’/ Under new sub section ‘Green Belt’/ Paragraph 4.3 and new paragraph 4.4/ Pages 9 and 10	<p>Delete whole paragraph as follows: “4.3 Notwithstanding the above, of all the occupied pitches, and plots on site/yards for gypsies and travellers all but one (that at Watling Street) are within the Green Belt including the local authority provision at Griff. The</p>	<p>Clarity of the position of the sites in relation to Green Belt Policy and to be consistent with existing Borough Plan.</p>

		<p>travelling showperson's yard is also outside of the Green Belt."</p> <p>Replace paragraph 4.3 to read:</p> <p><u>"4.3 Sunrise Cottage and The Old Nursery are not currently being considered for the removal of their Green Belt status. The removal of the two sites from the Green Belt would not be consistent with Policy DS7 of the current Borough Plan (and would be noncompliant with Regulation 8(4) of the 2012 Regulations) which is the Part 1 plan. Notwithstanding this, the Borough Plan is currently being reviewed and the Green Belt status of these two sites may be revisited, if necessary, when the Borough Plan is updated as part of a wider review of the Green Belt. However, the Site Assessments and the Green Belt document explains how the Green Belt sites may be considered suitable for development subject to meeting national policy for the Green Belt.</u></p> <p>Add complete new paragraph to read:</p> <p><u>"4.4 If future planning applications on these sites are considered to be inappropriate development in the Green Belt, then it would be necessary to demonstrate 'very special circumstances' in accordance with the Framework. In this regard, the allocation of these sites for new gypsy and traveller pitches in this DPD will be an important consideration in any such assessment."</u></p>	
MM5	'4.0 Location of Pitches'/ Now under new sub section	Amend and add to paragraph to read: "4.6 Sites should also avoid locations that would impact upon land that has been designated for its interest, so, sites of	Reference to Policy H3 removed as to be superseded. Instead

	'Sustainability'/ Previously Paragraph 4.5 now 4.6/ Page 10	ecological, heritage, or geological value. Similarly, contaminated land, land prone to flooding, and land in a sensitive landscape should also be avoided. These and other criteria for selecting new gypsy and traveller sites are set out in Policy H3— Gypsies and Travellers of the current Borough Plan. <u>GT2 Strategy.</u>	refers to Policies within DPD.
MM6	'4.0 Location of Pitches'/ under sub section 'Locational Strategy'/ Previously Paragraph 4.6 now 4.7/ Page 10	Delete, add and amend some wording in paragraph as follows: "4.7 The fundamental purpose of the Gypsy and Traveller Site Allocations DPD is to allocate land to provide for the number of pitches identified as the need by 2036/37. <u>for the required need to 2037.</u> The Issues and Options consultation draft proposed four strategies for allocating new pitches. These were all assessed within the accompanying sustainability appraisal and two of the options were found to be the most sustainable, namely the following: A. Seek to allocate new pitches firstly within the permitted area of existing sites and/or adjacent to these sites, then based on walking distances to services, and then by existing Policy H3. D. Seek to allocate new pitches firstly within the permitted site area of existing sites, then adjacent to these existing pitches, then based on walking distances to services. Use existing Policy H3 only once sites have been allocated by any of the other means and then only if insufficient has been allocated. <u>the criteria set out in the latter part of the policy.</u> "	Make clear the cover period of the DPD. Remove reference to acceptability of walking distance as the location of the sites is unable to comply with this.
MM7	'4.0 Location of Pitches'/ under sub section 'Locational	Amend typing error from 'of' to "is". Delete one sentence to read:	To remove reference to the future use of

	Strategy'/Previously Paragraph 4.7 now 4.8/ Pages 10-11	<p>“4.8 Respondents to the issues and options selected only options A and D – with an even split of numbers to these two options from respondents. Options A and D – the first difference is that option A uses extant Policy H3 to assess sites at the outset whilst option D only uses extant Policy H3 once insufficient sites have been found via other means. The second difference if <u>is</u> that option D separates out the permitted areas of existing sites from land adjacent to existing sites whereas option A does not and treats them together. It is considered that option D should form the basis of the allocation of new pitches as it allows for the consideration of the permitted site area of existing sites first (and in isolation) and this has the potential for the least impact. However, in hindsight, the use of the word ‘adjacent’ could give rise to some ambiguity and the word ‘adjoining’ will be used instead to emphasise that there should be a physical relationship between the new and the existing. Also, another benefit of using option D is that Policy H3 is only used as a fallback if insufficient pitches have been found via other means rather than from the outset. It should be noted that should planning applications be made for new pitches on unallocated sites then the strategic policy in this DPD would be used as the starting point to assess their suitability.”</p>	Policy H3 of extant Borough Plan.
MM8	'4.0 Location of Pitches'/ under sub section 'Locational Strategy'/ Previously Paragraph 4.8	<p>Delete whole paragraph as follows: “4.8 In terms of walking distances to services a number of different ways in which this could be measured were suggested in the issues and options document and these ranged from 2-3 miles for school to 800 metres to a town centre. The intermediate distance was 1.6 kilometres to</p>	Remove reference to walking distance of sites to services to reflect revised policy wording

		<p>GPs (General Practitioners) and pharmacies. Given the above range of different ways to measure walking distances to specific services and that, ideally, access should be all of these, it seems a good compromise to use the intermediate distance, and this shall be used within the strategic policy.”</p>	
MM9	<p>‘4.0 Location of Pitches’/under sub section ‘Locational Strategy’/ Paragraph 4.9/ Page 11</p>	<p>Omit and amend wording to read: “4.9 Based on the above the strategy is a tiered approach whereby land that is being developed for new pitches will be assessed against the three priority land uses. In terms of allocations, land will be allocated in the order set out in the policy so that the priority will be to allocate land that meets priority one in the first instance. If insufficient pitches to meet the Borough’s needs are found to be acceptable then land use priority two will be used and then land use priority three. If insufficient remains allocated, then Policy H3 will be used. In terms of planning applications these are standalone parcels of land that cannot be dealt with by the same process and, thus, any of the three priority land uses would be acceptable subject to all other matters of the proposal being found acceptable. Policy H3 of the extant Borough Plan is only utilised if there is insufficient provision to meet the identified need for new pitches. <u>Policy GT2 identifies that new gypsy and traveller pitches will generally be supported within the sites allocated within GT3 or within the permitted area of existing lawful, authorised gypsy and traveller sites. In addition, to ensure that consideration is given to sustainability, any new sites that come forwards within the urban area (as shown within the settlement boundary of</u></p>	<p>Deleted reference to H3 of the extant Borough Plan and to clarify the criteria in GT2 and GT3 is instead used for allocating acceptable sites.</p>

		<p><u>Policy DS2 of the Borough Plan). In addition, land adjoining the permitted area of existing lawful, authorised gypsy and traveller sites will be considered as long as these are in proportion appropriate to the scale of the existing site. The intention is to supersede entirely Policy H3 in the current adopted Plan (2011 – 2031). Within the emerging Borough Plan (2024 – 2039) emerging Policy H3 will simply signpost to the adopted DPD for guidance on any new pitches or plots.”</u></p>	
MM10	Strategic 'Policy GT2 Strategy'/ Pages 11 and 12	<p>Amend, omit, and add to read: “Planning permission will be granted for new gypsy and traveller pitches subject to compliance with other policies of the development plan <u>and with national policy including in relation to Green Belt</u> in the following priority land uses <u>on the following land:</u></p> <ul style="list-style-type: none"> a) <u>Sites allocated in Policy GT3 or</u> within the permitted area of existing lawful, authorised gypsy and traveller sites; or b) <u>Sites within the urban area (as shown within the settlement boundary of Policy DS2 of the Borough Plan); or</u> c) then land adjoining the permitted area of existing lawful, authorised gypsy and traveller sites; ___d) then land within 1.6 kilometres of appropriate services, such as schools, GP surgeries, shops, and these services being capable of being accessed safely by foot. <u>Extensions adjoining the permitted area of existing lawful, authorised gypsy and traveller sites that are proportionate in scale to the existing site.</u> 	<p>See note above. Instead of having to demonstrate the priority land uses all the criteria is equally acceptable. Thus, negating a staged approach to the criteria.</p>

Any proposed sites considered must comply with all of the following:

- a) **The site should have reasonable access to essential services including health and education facilities and access to local shops;**
- b) **The number of pitches or plots is in proportion to the size and scale of the site;**
- c) **The number of pitches or plots is in proportion to the size and density of the nearest settled community;**
- d) **The site is not located in areas of high flood risk;**
- e) **The site avoids adverse impact on historic and important open spaces, landscape or local nature conservation designations, ecology and biodiversity assets;**
- f) **The site is located where the privacy, visual and residential amenity for both site residents and neighbouring land uses are protected;**
- g) **The site has suitable access to the highway network;**
- h) **The site is located where air or noise pollution will not significantly affect the health and well-being of site residents; and**
- i) **The site has suitable connection to the foul sewage system or can demonstrate that connection is unviable and alternative arrangements can be made.**

~~If there is insufficient provision to meet the minimum needs identified in Strategic Policy GT1 — Overall Need then extant Policy H3 — Gypsies and Travellers of the Borough Plan will be used to determine the acceptability of the new development.~~

This Policy supersedes Policy H3 of the adopted Borough Plan (2011-31).”

MM11	Supporting text under Strategic 'Policy GT2 Strategy'. Under subheading 'Allocation of Sites'/ Previously Paragraph 4.12 now 4.13/ Page 13	Sentences omitted at beginning of paragraph to read: "4.13 This site does not meet the three bullet points of Strategic Policy GT2 Strategy but the policy allows for sites in other locations that accord with Policy H3 where the need set out in Strategic Policy GT1 Overall Need has not been met. The other two sites would provide nine pitches, leaving a shortfall of two pitches to meet the identified need. An assessment of the site against Policy H3 has concluded that the site would be acceptable for allocation. The number of pitches provided by the three sites found acceptable for allocation would provide 14-15 pitches which would, firstly, meet the minimum 11 pitches required and, secondly, build in some resilience should the anticipated levels of turnover at The Griff not take place. "	Removed reference to Policy H3 of Borough Plan so reference to this has been removed for clarity.
MM12	Supporting text under Strategic 'Policy GT2 Strategy'. under subheading 'Allocation of Sites'/ Previously Paragraph 4.15 now 4.16/ Page 13	Deleted sentences at end of paragraph to read: "4.16 The need for new gypsy and traveller pitches set out in Strategic Policy GT1 – Overall Need is for at least 11 permanent residential pitches to accommodate Gypsies and Travellers. The sites that have been found acceptable to allocate would provide up to 15 pitches at three locations and these are set out in Policy GT3 – Site Allocations. Below the policy an accompanying plan is provided showing the area to which the allocation relates." Two of the sites are within the Green Belt, namely Sunrise Cottage and The Old Nursery, and these have been found to meet the terms of exceptions and thus allowable development in the Green Belt. The extant proposals map will need to be updated to remove these two sites from the Green Belt.	Omitted the requirement to remove sites from the Green Belt as there is no intention of removing these sites within the extant Borough Plan which would have meant the DPD conflicted with the extant Local Plan.

MM13	Strategic 'Policy GT3 – Site Allocations'/ Pages 15 and 16	<p>Additions to the Policy to read:</p> <p>“Planning permission will be granted for new gypsy and traveller pitches at the following sites and as denoted with a solid red line on the accompanying site plans:</p> <p>GTSA1 – Sunrise Cottage for three additional pitches within the existing site as shown as a solid red line on the accompanying plan.</p> <p>GTSA2 – The Old Nursery for five to six new pitches within the site as shown as a solid red line on the accompanying plan.</p> <p>GTSA3 - Winter Oak for six additional pitches within the existing site as shown as a solid red line on the accompanying plan.</p> <p><u>Key Development Requirements</u></p> <p>Planning applications at the allocated sites shall contain the details as set out below:</p> <p>GTSA1 – Sunrise Cottage</p> <ul style="list-style-type: none"> • Provision of visibility splays of 160 metres. • Suitable bin collection points should be provided within the site so that bins are not stored within the highway. • Preliminary Ecological Assessment. • <u>Where possible foul sewage for new pitches/plots should connect to existing foul mains drainage. Where connection to mains drainage is not possible, the potential impact on the water environment will need to be considered.</u> 	Added requirements that became apparent during the Publication consultation process.
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GTSA2 – The Old Nursery

- Closure of the northern access within the site.
- Access to be made in and out of the site from the southern access within the site.
- Configuration of an access that allows for sufficient manoeuvring room for any vehicles entering/exiting the site.
- Any gates within the access to be setback sufficient distance to allow any vehicle entering the site to exit the highway completely whilst the gates are opened or closed.
- Provision of visibility splays of 160 metres.
- Suitable bin collection points should be provided within the site so that bins are not stored within the highway.
- Landscaping of the site boundary to soften the appearance of the pitches from external views.
- Preliminary Ecological Assessment.
- Retention of existing boundary vegetation.
- Provision of communal play area within the site.
- **Address any contamination on the site.**
- **Where possible foul sewage for new pitches/plots should connect to existing foul mains drainage. Where connection to mains drainage is not possible, the potential impact on the water environment will need to be considered.**

GTSA3 – Winter Oak

		<ul style="list-style-type: none"> • Suitable bin collection points should be provided within the site so that bins are not stored within the highway. • Preliminary Ecological Assessment. • Retention of existing boundary vegetation. • <u>Provision of communal play area within the site.</u> • <u>Ensure air and noise quality to future residents of the site is acceptable.</u> • <u>Where possible foul sewage for new pitches/plots should connect to existing foul mains drainage. Where connection to mains drainage is not possible, the potential impact on the water quality will need to be considered.</u> 	
MM14	Strategic 'Policy GT4 – Site Safeguarding'/ Page 19	<p>Amend and omit some wording to read: “The travelling showpeople site at Spinney Lane/Whittleford Road, Nuneaton as denoted on plan G TSA4 with a solid red line will be safeguarded for use by travelling showpeople.</p> <p>Alternative uses will <u>only</u> be permitted if it is <u>clearly demonstrated</u> proven that either there is no longer a requirement <u>the site is no longer required</u> for travelling showpeople accommodation.” or that an alternative site for travelling showpeople is available within Warwickshire.</p>	Reworded Policy in order to require demonstration if the site is no longer required and deleted reference to the removal of the protection in the event a new site is located in Warwickshire which is unlikely to happen.
MM15	'5.0 Monitoring'/Table 3/ Page 21	<p>Omit and amend some wording in the table to read: “Table 3 - Monitoring indicators and targets for the policies of the Gypsy and Traveller Site Allocations Development Plan Document (DPD).</p>	Make clearer the monitoring process and requirement for a new Accommodation Assessment Survey to see if the number of

			Policy	Indicator	Target	pitches has changed and therefore requires amending. Amend wording to replicate the wording within Policy GT4.
			Strategic Policy GT1 – Overall Need	Gypsy and traveller accommodation.	11 residential pitches Provided.	
				Monitor the continued need for additional pitches.	Within five years of adoption of this DPD undertake a new Gypsy, Traveller, and Showpeople Accommodation Assessment.	
			Strategic Policy GT2 – Strategy	Sites permitted in accordance with the <u>policy criteria mentioned in policy GT2.</u>	100%. <u>Timescales as below.</u>	

			<p>Policy GT3 – Site Allocations</p> <p>Monitor the supply and delivery of allocated sites and report annually through the Authority Monitoring Report. <u>Contact the proposed sites on a yearly basis after the AMR to encourage the sites to come forwards and answer any concerns the owners may have on bringing the sites forwards at that time</u></p>	<p>A minimum of six additional residential pitches permitted and available for use by 2025/26 and a minimum of 11 additional residential pitches permitted and available by 2036/37.</p>	
			<p>Policy GT4 – Site Safeguarding</p> <p>Monitor the use of the safeguarded site.</p>	<p>The identified site at Spinney Lane/Whittleford Road, Nuneaton to remain used for travelling showpeople unless it is was</p>	

					<p>proven to be no longer required. <u>clearly demonstrated that the site is no longer required for travelling showpeople accommodation</u></p>							
MM16	'Appendix 1'/Table/Page 22	<p>Omit and amend some wording to read: "Relationship between the policies in this DPD and the extant Borough Plan.</p> <table border="1"> <tr> <td>Superseded Existing Borough Plan policies</td> <td>Superseding Effect of Gypsy and Traveller Site Allocations DPD policies</td> </tr> <tr> <td>Policy DS4 – Overall development needs (third bullet point only).</td> <td>Superseded by Strategic Policy GT1 – Overall Need.</td> </tr> <tr> <td>Policy H3 – Gypsies and Travellers. (figures contained in first sentence)</td> <td>Superseded by Strategic Policy GT1 – Overall Need. GT2 – Strategy” –.</td> </tr> </table>			Superseded Existing Borough Plan policies	Superseding Effect of Gypsy and Traveller Site Allocations DPD policies	Policy DS4 – Overall development needs (third bullet point only).	Superseded by Strategic Policy GT1 – Overall Need.	Policy H3 – Gypsies and Travellers. (figures contained in first sentence)	Superseded by Strategic Policy GT1 – Overall Need. GT2 – Strategy” –.		<p>To make clearer what is to be superseded in the extant Borough Plan when the DPD is adopted.</p>
Superseded Existing Borough Plan policies	Superseding Effect of Gypsy and Traveller Site Allocations DPD policies											
Policy DS4 – Overall development needs (third bullet point only).	Superseded by Strategic Policy GT1 – Overall Need.											
Policy H3 – Gypsies and Travellers. (figures contained in first sentence)	Superseded by Strategic Policy GT1 – Overall Need. GT2 – Strategy” –.											
MM17	'Appendix 1'/ Supporting text to table / Page 22	<p>Add to appendix to read: “For reference Policy DS4 Overall development needs should now read: <u>The following levels of housing and employment development will be planned for and provided within Nuneaton and Bedworth Borough between 2011 and 2031:</u></p> <ul style="list-style-type: none"> • <u>At least 14,060 homes</u> • <u>At least 107.8 ha of employment land</u> 				<p>To make clear that reference to pitches in third bullet point of Policy DS4 of the extant Borough Plan is to be deleted.</p>						

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|--|--|---|--|
| | | <ul style="list-style-type: none">• <u>At least 39 residential pitches and 5 transit pitches to accommodate Gypsies and Travellers”</u> | |
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