

Report of	Meeting	Date
Executive Leader	Special Council	04 September 2014

CHORLEY LOCAL PLAN 2012-26 - GYPSY AND TRAVELLER AND TRAVELLING SHOWPEOPLE – PROPOSED ALLOCATION

PURPOSE OF REPORT

1. To report the results of consultation on the Chorley Local Plan 2012-26 Gypsy and Traveller and Travelling Showpeople Preferred Options document and approve the attached Proposed Allocation version for submission to the Local Plan Inspector. Members should note that a hard copy of a database report summarising all consultation responses is available to view in the members room. An electronic copy will also be made available on the Council's website.

RECOMMENDATION(S)

2. Members are recommended to:
 - (i) Note the results of public consultation on the Chorley Local Plan 2012-26 Gypsy and Traveller and Travelling Showpeople Preferred Options – June 2014.
 - (ii) Approve the Chorley Local Plan 2012-26 Gypsy and Traveller and Travelling Showpeople Proposed Allocation – September 2014 for submission to the Local Plan Inspector; and to give delegated authority to the Leader & Chief Executive to make minor changes to that document;
 - (iii) To delegate sign-off of the supporting documents to the Chief Executive and Executive Member for Economic Development and Partnerships: Sustainability Appraisal Supplement, Habitats Regulations Supplement, Statement of Consultation Supplement and Duty to Co-operate Supplement and a resolution to respond to the Inspectors Issues and Matters.
 - (iv) To delegate authority to officers to prepare a schedule of formal responses to those who have made comments, for consideration by the inspector.
 - (v) Request the s151 Officer to make suitable budget provision for the future delivery of the site.

EXECUTIVE SUMMARY OF REPORT

3. Members will be aware that in order for the Local Plan to be found sound in relation to Gypsy and Traveller matters by the Local Plan Inspector, a site must be allocated for a minimum of five pitches, and a number of modifications must be made to the plan. Chorley Local Plan 2012-26 Gypsy and Traveller and Travelling Showpeople Preferred Options was endorsed for public consultation at Full Council on Tuesday 3 June 14.
4. 314 representations (including petitions, which are counted as one submission) were received and these have now been compiled and considered and have informed a revised version of the Chorley Local Plan 2012-2026 Gypsy and Traveller and Travelling Showpeople Proposed Allocation. It is intended that this 'submission' version will be submitted to the Local Plan Inspector for her consideration in advance of a re-opened Examination Hearing on 23rd and 24th September 2014.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. The endorsement of a proposed site for allocation will enable the Local Plan examination to be re-convened and the Local Plan to be progressed to adoption.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. A total of nine sites have been considered for allocation, and consulted upon. This report and the appended document for submission to the inspector detail the consideration and rejection of those alternative sites.

CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	✓	A strong local economy	✓
Clean, safe and healthy communities	✓	An ambitious council that does more to meet the needs of residents and the local area	✓

BACKGROUND

7. At the Local Plan examination hearings, which took place in April 2013, the Lancashire Gypsy and Traveller Accommodation Assessment (GTAA) of May 2007 was not considered sufficiently robust nor up-to date by the examining inspector. The inspector requested that further work be undertaken to address Gypsy and Traveller matters, to be followed by reconvened examination hearings. In October 2013 the Local Plan Inspector produced a Partial Report on the Local Plan. This concluded that, with a number of modifications, the Local Plan satisfied legal requirements and met the criteria for soundness in the National Planning Policy Framework (the Framework) in all regards, except for its provision for Gypsies and Travellers, and the Local Plan has been changed in accordance with the modifications.
8. The Central Lancashire authorities of Chorley, Preston City and South Ribble commissioned Arc4 to undertake a GTAA in July 2013 to identify the housing needs of Gypsies and Travellers and Travelling Showpeople, and the GTAA was published in January 2014. This identified a need for five permanent pitches for Gypsies/Travellers in

Chorley, fifteen in Preston, none in South Ribble and a Central Lancashire wide need for fifteen transit pitches to 2026. It found no need for Travelling Showpeople accommodation.

9. However, in considering this work, the examining inspector wrote to the Council on 7th February 2014, setting out concerns that it may under-estimate the level of need and that further detailed work was needed on this matter. However, in order to avoid further delay to the Local Plan, the Inspector asked the Council to consider putting forward further main modifications to ensure soundness. The Inspector suggested that the modifications should incorporate a number of points including:
 - The allocation of site(s) in the Local Plan sufficient to make provision for a minimum of five permanent residential pitches.
 - A commitment to undertake further work on the GTAA at the earliest opportunity within 12 months, with a view to resolving outstanding concerns.
 - A commitment to produce a separate Gypsy and Traveller Accommodation Plan, to include the provision of Transit and Travelling Showpeople's sites within a prescribed, expeditious timescale that is set out in the Local Development Scheme.
10. Accordingly, the Council assessed a number of sites in order to come to a view on which site(s) should be allocated for a minimum of 5 pitches. Further work is continuing on the GTAA and the Council has committed to producing a separate Gypsy and Traveller Development Plan Document (DPD), scheduled to start in December 2014, with adoption scheduled for March 2016.
11. The 5 pitches is expressed as a minimum in view of the absence of information to quantify the final need. The Local Plan Inspector has determined that the matter of more specific need will be addressed through additional Gypsy and Traveller Accommodation Assessment (GTAA) study work and this is to be considered in a separate Development Plan Document (DPD).
12. In June 2014, the Council resolved to consult on a 'preferred option' and proposed modifications to the plan. Nine potential sites were considered:

Site 1	Cowling Farm, Chorley
Site 2	Yarrow Bridge Depot, Chorley
Site 3	Cabbage Hall Fields, Chorley
Site 4	Land off Westhoughton Road, Heath Charnock
Site 5	Land at Ackhurst Road, Chorley
Site 6	Land Adjacent to Northgate Drive, Chorley
Site 7	Haworth Road (previously named Crosse Hall Lane), Chorley
Site 8	Harrisons Farm, Adlington
Site 9	Hut Lane, Heath Charnock
13. Cowling Farm was considered to be the preferred site for allocation. The site is allocated for a mix of housing and employment (Policy HS1.5/EP1.6) in the Chorley Local Plan (2012 – 2026) comprising 9.5 hectares. Land for the gypsy and traveller site will be discounted from the allocated area. Positive attributes of the site were identified as follows;
 - The land is owned by the Council and is deliverable and developable;
 - A dedicated access is achievable;
 - The land is within the settlement of Chorley and is accessible to services and facilities;
 - It has the potential to meet the needs of the existing traveller community at Hut Lane providing a suitable and safe environment and the location will avoid their children having to change schools.
 - The site has the potential to meet the criteria as set out in PPTS.
 - It is sustainable, scoring Band B and would be compliant with Core Strategy Policy 1 and satisfy the criteria as set out in Core Strategy Policy 8.

14. It was suggested that the proposed site access could be from the southern side of the site to the south of Cowling Farm, off Cowling Road/Weavers Brow. There were a number of access solutions to be explored including the potential to create a permanent or temporary access across the green belt land adjacent to the settlement boundary of Chorley, which is also in the ownership of the Council. This was considered potentially to require the access road to be removed from the green belt designation and designated as part of the gypsy and traveller site and within Chorley settlement. Cowling Farm is a grade II listed building, however, it is located to the west of the proposed site and utilising land levels and securing an appropriate boundary treatment can ensure that there is no adverse impact on the setting of this listed building.
15. The public consultation ran from 4th June to 16th July 2014.

OVERVIEW OF CONSULTATION REPRESENTATIONS

16. A summary of the representations received are detailed in Appendix 2. A schedule summarising the full representations has been made available by hyperlink and as a hard copy in the member's room. In addition, officer met with representatives of the Cowling Farm Residents Group (at their request) and received a number of FOI requests and follow up requests for information and clarification.
17. In total 315 representations were received. 294 related to the specific sites considered and the remaining 21 related to general comments on the document as a whole.
18. Of the representations relating to sites, the majority (100) related to the preferred option, Cowling Farm. Most of these representations (89, one of which is a petition signed by 327 people) were objecting to the selection of this site as the preferred option. Two other petitions were also received, one for Northgate Drive signed by 187 people and one for Crosse Hall Lane (now named Haworth Road) signed by 419 people. A summary of the main reasons for objection is set out in Appendix 2. There was also some support for the selection of Cowling Farm as the preferred option. Eight representations were received in support and an additional 23 respondents who used the representation form to submit comments, but whose comments related to another site, answered 'yes' to Question 2 which asked 'Do you agree that the Council's preferred site at Cowling Farm should be taken forward as a formal allocation?'
19. A significant number of representations objecting to the other sites considered were also received with the exception of Land at Ackhurst Road and Hut Lane which received few representations.
20. A small number of the representations relating to the sites were neither supporting nor objecting to the site, they were mainly from statutory bodies such as English Heritage and the Highways Agency and provided advice on information that would need to be submitted if a planning application were received for that particular site. These are identified under the 'other' column in the table in Appendix 2.
21. Of the representations relating to general comments on the document, the majority were objecting to the consultation process as, in accordance with the Statement of Community Involvement, properties neighbouring Cowling Farm and the other sites considered were not individually notified unless they had previously been involved in the Local Plan process or had asked to be kept informed of planning policy documents. A summary of these representations is also included in Appendix 2.
22. While the majority of representations were from residents, representations were also received from statutory consultees, neighbouring councils, three ward councillors (a joint submission) and a few Parish/Town Councils.
23. Cllrs Bradley, Murray and Walmsley jointly submitted a representation on behalf of those who had made known their concerns about the proposed Yarrow Bridge Site.
24. Adlington Town Council, Astley Village Parish Council, Euxton Parish Council and Heath Charnock Parish Council supported the selection of Cowling Farm. Adlington Town Council also considered the document to be well prepared and to explain the issues clearly.

25. Although not formerly recorded as a representation, Lindsay Hoyle MP also wrote to the Council seeking that the consultation was suspended due to the premise on which the requirement for a permanent site was established being flawed. This letter was forwarded to the Inspector.
26. Objections were also received from the settled community in terms of engagement on Gypsy and Traveller issues and sites before the Preferred Options consultation as the Preferred Options paper included a list of sites that had been put forward by the Gypsy and Traveller community.
27. The neighbouring Councils of Bolton, and West Lancs who previously objected to the Local Plan now support the plan. This matter is addressed and summarised in the Duty to Cooperate section of this report. Blackburn with Darwen Borough Council did not make representations on the Preferred Options document but covered this issue in their response to the Duty to Cooperate consultation.
28. Representations were also made on the wording of the proposed modifications. Many respondents took issue with the requirement expressed as a 'minimum' of five pitches but did not suggest alternative wording. In particular Mr Hargreaves on behalf of the Linfoot family suggested changes to the wording and the detail of this is addressed later in this report.

SUMMARY OF REPRESENTATIONS AND PROPOSED RESPONSE

29. Representations were received on general matters and site specific matters. Appendix 2 details a summary of matters raised in representations. The following section of the report deals with the scope of comments and the Council's proposed response.

General Comments

Consultation

30. Representations were received in relation to 'general' matters. The majority of 'general' comments were objecting to the consultation process as, in accordance with the Statement of Community Involvement/Localism Act, properties neighbouring any of the nine sites were not individually notified unless they had previously been involved in the Local Plan process or had asked to be kept informed of planning policy documents. Requests were also made for the Council to suspend the consultation in the light of a perceived flaw in the process, for example, an inaccurate calculation in the Sustainability Appraisal of the Yarrow Bridge site where the distance to further/higher education was incorrect.
31. Although not formerly recorded as a representation, the MP also wrote to the Council seeking that the consultation was suspended due to the premise on which the requirement for a permanent site was established being flawed. This letter was forwarded to the Inspector.
32. Objections were also received from the settled community in terms of engagement on Gypsy and Traveller issues and sites before the Preferred Options consultation as the Preferred Options paper included a list of sites that had been put forward by the Gypsy and Traveller community.

Council's Response

33. The approach taken is in accordance with the Council's Statement of Community Involvement (SCI). The SCI sets out the approach to consultation on planning policy documents. It does not require residents/businesses that are in the vicinity of a proposed allocation (or rejected alternatives) to be consulted on an individual basis. Such policy proposals are publicised by other means such as press releases, updates to the Council website, informing local Councillors, and parish Councils where they exist. In addition, for Local Plan consultations, the Council consults directly with everybody that is listed on our Local Plan consultation database. Individuals or interested groups received a Preferred Options consultation letter if they had requested their names to be added to the Local Plan consultation database. Others notified about the Preferred Options consultation were those who made representations to the Local Plan at an earlier stage (for example, a number of

residents living in the vicinity of Cowling Farm received letters because they had made comments at earlier stages of the Local Plan process and were therefore on the database). The Statement of Consultation Supplement identifies the consultation which has been undertaken during the preparation of the Gypsy and Traveller and Travelling Showpeople Preferred Options which forms part of the Chorley local Plan 2012-2026.

34. References by some objectors to a lack of compliance with the Localism Act 2011 referred, in turn, to a duty to consult – this is considered to be in relation to the provision in section 122, whereby provision is made for mandatory pre-application consultation by an applicant before submission of a planning application. This provision, yet to be brought into force, is not relevant to publicity for, and consultation upon, a proposed modification to a development plan document.
35. In terms of inaccuracies in the evidence base or consultation documents, it is considered that the purpose of consultation is to allow an opportunity for such concerns to be brought to the attention of the Council, to enable the Council to correct such matters and reconsider the approach to &/or selection of a site. The Council has corrected the inaccurate distance for further/higher education in the Sustainability Appraisal for Yarrow Bridge, this does not affect the overall band of the site.
36. The representation form and guidance notes provide information and questions which cover the legal requirements required under the Planning and Compulsory Purchase Act 2004, the Localism Act 2011 and the guidance in the National Planning Policy Framework. In addition to this form the Council has accepted comments by letter and email. A direct link was placed on the homepage of the Council's website when concerns were raised about the accessibility of the information. The Council also made an online consultation form available through Survey Monkey. The Council considers the process of arriving at an allocation to be legally compliant and sound.
37. The letter received from the MP was forwarded to the Inspector.
38. The Preferred Options consultation was a continuation of the Local Plan Examination. As part of preparation of the Local Plan a 'call for sites' was undertaken which included potential sites for Gypsies and Travellers.

Sustainability Appraisal – Approach to & Explanation of preferred site – Scope of Sites for Consideration – transparency of process

39. Representations were also made on the accuracy and/or appropriateness of the sustainability assessment/appraisal. These included lack of explanation of the SA to inform the preferred site and the lack of justification for the preferred site.
40. Chris Weetman on behalf of Cowling residents provided an alternative assessment of sites using weighting for the indicators falling within SA objectives S1, S2, ENE3 and ENE5. These objectives are as follows:
 - S1: To reduce the need to travel and improve transport accessibility in sustainable ways.
 - S2: To improve health and wellbeing and/or improve access to health care, sport and recreation, culture, community and education facilities and services, particularly in deprived areas.
 - ENE3: To tackle climate change and enable sustainable use of the earth's resources.
 - ENE5: To protect and enhance water resources and minimise pollution of water, air and soil.
41. He recommended that on sustainability grounds using this methodology the best locations for a Gypsy and Traveller site are either a combination of Crosse Hall Lane and Northgate Drive, Northgate Drive by itself or Cabbage Hall Fields by itself.
42. Representations were also made about the transparency and accuracy of the approach to site selection, and the dismissal of Green Belt sites put forward by the Traveller community when the Council have suggested several Green Belt sites.

43. An additional site was also suggested adjacent to the Hartwood/M61 roundabout. This has been identified as Gale Moss. Reference to this is included in the Statement of Consultation.

Council's Response

44. National Planning Practice Guidance states "The sustainability appraisal should only focus on what is needed to assess the likely significant effects of the Local Plan. It should focus on the environmental, economic and social impacts that are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the Local Plan."
45. The SA scoring is not weighted as it is not considered that some indicators have more importance. The purpose of the SA is to give a general overview of the sustainability of sites to be able to compare their sustainability, but it is not the only factor taken into consideration when deciding allocations. A number of other factors such as deliverability need to be taken into consideration.
46. The Council considers that the methodology for Sustainability Appraisal/Assessment has already been considered by the Inspector, and has been found sound in her partial report.
47. Further analysis of the merits of each site has been undertaken. This has considered the information provided from residents and stakeholders, including consultees and has reviewed the Sustainability Indicators for each site. Where considered necessary the actual premises measured to are included.
48. The Council has also examined sites put forward by the Gypsy and Traveller community as identified at Appendix 2 of the Preferred Options Document. All are in private ownership therefore the Council has no control over the land and cannot ensure deliverability; a number have been granted planning permission; a number are in the Green Belt and are deemed inappropriate development in the Framework and Planning Policy for Traveller Sites; and a number lie within a high risk flood zone. The Council endeavoured to find the location of all sites identified but were not able to identify the exact location of one site as not enough information or exact site details were provided by the gypsy and traveller community despite providing plans of the borough and having a meeting. The Council has assessed land in its ownership, over which it has control and therefore can ensure deliverability. The Council has also asked other stakeholders with major landholdings whether they have any suitable land available and they have confirmed that they do not have any suitable sites. In addition the Council has looked at sites suggested through its "call for sites" for the Local Plan in 2005 and 2007. Yarrow Bridge and Westhoughton Road have been included as they are previously developed sites in the Green Belt. The Hut Lane site has been included because it received temporary permission in July 2013 for 2 years and Planning Policy for Traveller sites states that the merits of using it permanently should be assessed against the new sites.
49. The site suggested, Gale Moss, is a prime employment allocation adjacent to the M61 junction catering for all employment uses. It forms an important site for employment land supply in the Borough and has therefore not been considered as an allocation for Gypsy and Traveller provision.

Financial Considerations

50. Several comments were made about the impact upon property values, and that prospective house sales had 'fallen through' due to the consultation. Questions were raised as to whether the Council would compensate for a loss in property values &/or in relation to sales that had 'fallen through'
51. Comments were also received on the financial merits of permitting the Linfoot family to remain on the Heath Paddock site, in that there would be no further cost in doing so, and that the 'opportunity cost' in allocating another site would not be lost. Other comments were made in relation to specific sites (e.g. the relative costs of each site; that Cowling Farm was the most expensive option; the potential impact on land value for the wider allocation at Cowling Farm) and these are addressed later in the report.

Council's Response

52. The Council considers that actual or perceived impact on property value is not a material planning consideration.
53. In terms of the impact upon the public purse or taxpayer in allocating a site, the Council is charged with assessing the objectively met needs of its area, which includes the needs of Gypsies & Travellers. The model for delivery could be a Council owned and managed site, or a private site.
54. The Council may be eligible for grant funding. However, the prospect of achieving funding of a site per se by the Council or any party, including the potential for grant funding, is a matter that may be relevant to the deliverability of a proposed allocation in a development plan document.

Representations from Statutory Consultees

55. Some statutory agencies submitted information on what would be required if a planning application were submitted.
56. English Heritage and The Coal Authority provided comments on specific sites.
57. United Utilities gave information on connections for foul and surface water for all sites and the Environment Agency provided further comments on all of the sites considered.

Council's Response

58. Site specific comments from English Heritage and The Coal Authority have been included in the 'representations submitted in relation to specific sites' section of this report.
59. Comments from United Utilities and the Environment Agency have been addressed in the review of the assessment of each site.

Representations from the existing Gypsy and Traveller Community

60. Members may wish to note that Council officers met with the Linfoot family and their consultant on 8th July 2014, with the primary objective of establishing detailed need requirements in order to inform the design and layout of the final allocated site. At that meeting, the Linfoot family indicated that they were prepared to consider Cowling Farm.
61. The only person identifying themselves as a Gypsy/Traveller who made representations was Mr Linfoot. Representations were also made on behalf of the Hut Lane Travellers by their consultant Mr Hargreaves.
62. A response was submitted from a consultant representing the Traveller community at Hut Lane. Whilst the 'current' need at Hut Lane is 2 pitches (as established in the draft GTAA), they have expressed a need for 5 pitches now in order to accommodate immediate relatives with the potential for further expansion over the plan period.
63. They have a strong preference for a site in their own ownership and control, if possible through freehold ownership. They support the proposal for a 0.4 ha site. If they were able to acquire it they would wish to see it developed as an extended family site, rather than divided into discrete pitches.
64. They have current needs for two mobile homes, three touring caravans, of which one would only be in storage while on site, a double utility block, plus parking for three vans and two cars. They would also welcome incorporating a play area/garden for the children. Factoring in the needs of the extended family, they would want the site to be able to accommodate an additional two touring caravans and parking for two vans and one car.
65. Their first preference is to remain at their existing site, particularly if they were able to acquire the other half of the original Hut Lane site. In terms of alternative sites, the family's strong preference is for the Council preferred site at Cowling Farm. A key objective for the family would be to enable the site to be delivered quickly without substantial disruption from the subsequent development of the rest of the site. They consider the most satisfactory way of achieving this would be to locate the Traveller site in the bottom south-west corner of the larger site with its own access from Cowling Road/Weavers Brow. The other site that could

be attractive to the family would be Harrison's Farm, Adlington, but only the area south east of the farm-house with access from Old School Lane. All the other sites have been discounted for reasons similar to those put forward in the Preferred Options Report.

66. A separate response from Mr Linfoot expressed a desire to remain at Hut Lane and did not support the allocation of Cowling Farm due to issues around accessing the site through the Green Belt.

Representations on Proposed Modifications

67. Many representations were received objecting to the requirement being expressed as a 'minimum' of five pitches. They are concerned that this means that more pitches will be provided at Cowling Farm due to the site being 9.5ha.
68. Mr Hargreaves on behalf of the Linfoot family suggested changes to the proposed modification to paragraph 5.7 of the Local Plan. He stated that the serious accommodation shortage should be recognised and suggested the following text is added "There is a critical shortage of accommodation for Gypsies, Travellers and Travelling Showpeople nationally, regionally and locally within Central Lancashire."

Council's Response

69. The Council is tasked with allocating a site for a minimum of 5 pitches as directed by the Local Plan Inspector. The figure of 5 is expressed as a minimum in the context of ongoing research. This figure is largely based on the needs of the existing Traveller community at Hut Lane. A final Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment will inform definitive need figures which will be progressed through a separate Gypsy and Traveller and Travelling Showpeople Local Plan.
70. No change is proposed to the proposed modification MMEC66 para 5.7 text because the Council are making provision for a permanent Gypsy and Traveller site in the Borough within the Local Plan. Para 5.10 of the proposed modifications is explicit that there may be a need resulting from overcrowding on existing sites, concealed households or those living in bricks and mortar which the current GTAA has been unable to identify. Para 5.11 of the proposed modifications confirms the Council now commits to undertake further work on the Gypsy and Traveller Accommodation Assessment (GTAA), this work has now started. Para 5.11 of the proposed modifications also indicates the Council will prepare a joint Gypsy and Traveller and Travelling Showpeople Accommodation Local Plan in line with the outcomes of the further GTAA work , to include transit site provision.

Other matters

71. Other non-site specific objections were received relating to failure by the Council to follow a transparent, fair and proper process, in particular that the whole matter should be restarted and also that the report to Full Council was a part 2 item.

Council's Response

72. The local plan examination has been effectively suspended while the Council considers the allocation of a suitable site for a minimum of five pitches. As such, the formal stages for plan preparation are not restarted. The Council is following the direction and timetable set by the examining inspector.
73. The reasons for the report to Full Council on 3 June 2014 being a part 2 report were that firstly it contained personal information relating to the children of potential occupants of the site. Secondly the fact that a particular site could potentially be allocated might have had an effect on the value of neighbouring land. In the event that certain sites considered in the report were not approved by members for consultation there would be no public interest in this information being published. However consultation for all sites mentioned in the report was approved on 3 June which meant that the report could then be published.
74. The Council released the part 2 report on 3rd July 2014 shortly after the Full Council meeting.

Representations submitted in relation to specific sites

75. This section summarises the site specific objections, and in response, the Council has reviewed the sustainability assessments, and reviewed the relative merits of each site to inform the conclusion on the recommended site for proposed allocation.
76. It includes reference to general matters such as property values, for which the Council response is not repeated.

Site 1 - Cowling Farm, Chorley – Proposed Allocation

Objections

77. The main reasons for objection include issues such as road access, use of Green Belt land for the access which is the subject of a restrictive covenant, topography of the site, the impact on property prices and local businesses and concerns that the size of the site will attract more Gypsies and Travellers and grow out of control.

Council's Response

78. The access to the proposed Gypsy and Traveller site has yet to be finalised. LCC Highways have provided an updated response. They identify that there are three potential accesses to the site with access off Moorland Gate being the preferred access route from a highways perspective. Moorland Gate is an adopted public highway to the turning head end of the road and there is scope for the sort of improvements that they would wish to see to enable access between the site and local facilities on foot and by bus (for example a formal footway along the eastern side of the road). Current access made off the road by the businesses served off Moorland Gate would not be impeded by the projected use of the site, although there would be an inevitable loss of on-street parking at the junction should a new access be taken off Moorland Gate. Details of how the access will be designed, laid out and constructed will be submitted as part of any future planning application for an allocated site which is when more thorough highways assessments will be undertaken by Lancashire County Council.
79. Under Para 90 of the Framework, certain forms of development are 'not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purpose of including land in the Green Belt'. These include 'local transport infrastructure which can demonstrate a requirement for a Green Belt location.' In a case where access is required through the Green Belt, this would not affect the openness of the Green Belt and the site would be wholly situated within an area allocated for a mix of housing and employment use. However, in light of more detailed comments from LCC Highways it is not necessary to pursue this access and it will not be necessary to seek the agreement to release the covenants for the specific area of land at Cowling Farm.
80. The undulating topography of the site will be taken account of as part of the masterplanning process for the site. It is considered that some contouring will be required to facilitate the development of the Gypsy and Traveller pitches and the allocation as a whole.
81. The Preferred Options document is explicit and refers that the site area required for Cowling Farm is estimated at 0.4 hectares. The site will be located within the 9.5 hectare site allocated in the Chorley Local Plan for a mix of employment and housing. If a specific part of the allocation is identified now for the Gypsy and Traveller element it will prejudice:
 - Community engagement between the settled and Traveller community.
 - The masterplanning process.
 - Highways options in relation to the delivery of the mixed use site.
82. As with any other development, the Council will liaise with the police authority in order to arrive at an appropriate design and layout and ensure that the site is fit for purpose. Measures will be implemented in order to help prevent crime and promote community safety. In relation to the fear of an illegal encampment on the adjacent land, if this were to occur the Council has enforcement powers and risk can be mitigated by security measures.

83. English Heritage submitted representations identifying the need for a heritage impact assessment to be undertaken for Cowling Farm as it is located in close proximity to a listed building. They agreed that if this work was undertaken they would withdraw their objection. The Council have now prepared a heritage impact assessment for this site in co-operation with English Heritage and they have agreed that mitigation will secure an acceptable relationship between development on the proposed site and the designated heritage asset.
84. The Environment Agency support the preferred option for Gypsy and Traveller provision at Cowling Farm, Chorley.
85. United Utilities position remains as per their historic comments and they would seek the disposal of surface water to be directed to the local river and foul effluent to be discharged into the Croston Trunk sewer, unless otherwise agreed in writing. Access to a clean water supply is also possible but will require further detailed discussions with United Utilities to agree.

Yarrow Bridge Depot, Chorley – Not Proposed

Objections

86. The main reasons for objection include the site is in the Green Belt, impact on the River Yarrow and adjacent woodland, impact on the pub and hotel and property prices, road safety issues, contamination issues and potential flood risk.

Council's Response

87. Yarrow Bridge has been considered and discounted because it falls within the Green Belt and there are no 'exceptional' circumstances which would warrant its allocation as the Council has identified other potential sites that do not fall within the Green Belt.
88. Central Lancashire Core Strategy Policy 29: Water Management seeks to improve water quality, water management and reduce the risk of flooding. Chorley Local Plan 2012-26 Policy BNE1 - Design Criteria for New Development (criteria f) protects important natural habitats and landscape features such as mature trees and hedgerows. Policy BNE9: - Trees also protects trees. Any planning application for development of this site would have to conform to these policies. Spring Woods is an ancient woodland but the ancient woodland buffer zone is outside the Yarrow Bridge site boundary.
89. Lancashire County Council Highways have considered relevant highways issues including the bus stop and stated that there may need to be localised widening and/or right turn provision to facilitate such an allocation. Suitable local safety improvements will also be expected to be carried out within close proximity of the site access to mitigate any adverse impact on the safety of road users, particularly pedestrians and cyclists. This should include appropriate surface level crossings such as pedestrian refuges, zebra crossings etc.
90. The Preferred Options report states that there are no known contamination issues and a low likelihood of contamination, however further checks are needed to confirm this. The nature of contamination would be verified through ground investigation works that would be undertaken as part of any proposed allocation and appropriate mitigation measures undertaken.
91. Advice in relation to flooding and water issues has been provided by the Environment Agency and United Utilities and this has contributed to detailed site assessments. The Environment Agency has confirmed the site boundary of Yarrow Bridge is not located in Flood Zone 2 (medium probability of flooding), although the access road to the site from Bolton Road (A6) would be. Therefore the Environment Agency advise that no vulnerable part of the development, which in this case would be caravans, should be located in Flood Zone 2. Provided that this is adhered to, the Environment Agency are satisfied that the intended use of the site would not be an unacceptable level of flood risk.

Cabbage Hall Fields, Chorley – Not Proposed

Representations

92. The main reasons for objection include loss of privacy and noise and disturbance from the site, impact on house prices, loss of the only greenspace in the area and access.

Council's Response

93. The Council has discounted this site as a Gypsy and Traveller site because of the changes in the levels on site which are likely to restrict the number of pitches that could be accommodated.
94. Chorley Local Plan 2012-26 Policy BNE1 - Design Criteria for New Development criteria g) seeks to ensure that any new development will not cause 'an unacceptable degree of noise disturbance to surrounding land uses'. This issue can be addressed at the planning application stage, however in the Council's judgement there is no evidence that the requirements of this policy cannot be met.
95. The site is not allocated as a children's playspace, rather it is allocated for housing in the Chorley Local Plan 2012-2026, therefore the principle of residential development is accepted.
96. Lancashire County Council has no highway objections to this proposal and has no concerns for the capacity of Millennium Way/Drumhead Road to cope with the proposed site. It is not proposed that Cowslip Way and Drumhead Road are connected and opened for vehicular traffic.

Land off Westhoughton Road, Heath Charnock – Not Proposed

Representations

97. The main reasons for objection include the site is in the Green Belt, potential contamination of the site, site is not available, it is not a safe site for children due to it being between the A6 and canal and the impact in the canoe club.

Council's Response

98. Westhoughton Road has been considered and discounted because it falls within the Green Belt and there are no 'exceptional' circumstances which would warrant its allocation as the Council has identified other potential sites that do not fall within the Green Belt.
99. As stated in the Preferred Options report there are several historic land uses that could potentially have caused ground contamination. The Coal Authority has made comments on this site and require that if this site were to be developed then a site investigation should be undertaken and locate and assess the recorded mine entry to establish its current condition and the remedial works required to ensure that any development activity within the vicinity will not be at risk from this existing feature.
100. The Environment Agency has confirmed this site is located on top of a historic tip and would require an appropriate ground investigation report that will assess any potential impacts on controlled waters.
101. The Council is aware that Lancashire County Council use this land for storage and that there may be issues around site ownership. Only if the site was taken forward would issues around safety, services and utilities be explored further.
102. Lancashire County Council Highways has commented for the proposal to be acceptable the following measures will be required; extension of the existing footway on the west side of the road past the site access to the existing layby; speed reduction measures either through road markings and coloured surfacing or extension of the 40mph speed restriction past the site towards north and measures to allow safe crossing of the road.
103. The canoe club has a separate access which would not impact on the allocation.

104. The Coal Authority submitted representations requesting some changes to be made to the document. They identified that this site has been subject to coal mining which has left a legacy of unstable land which will need to be assessed and appropriate remedial works undertaken prior to site occupation. The requested additional text has been added to the site assessment.

Land at Ackhurst Road, Chorley – Not Proposed

Representations

105. There was one objection to the site due to issues with Travellers setting up camp illegally on the industrial estate in the past.

Council's Response

106. The Council acknowledges use of the site for unauthorised encampment in the past. The Council has a protocol in place to deal with unauthorised encampments and has enforcement powers to deal with such sites. The presence of unauthorised encampments has not been material in selecting a site. Data on unauthorised encampments has been taken account of in the GTAA.
107. The Coal Authority submitted representations requesting some changes to be made to the document. They identified that this site has been subject to coal mining which has left a legacy of unstable land which will need to be assessed and appropriate remedial works undertaken prior to site occupation. The requested additional text has been added to the site assessment.

Land Adjacent to Northgate Drive, Chorley – Not Proposed

Representations

108. The main reasons for objection include impact on house prices, access, loss of the only greenspace in the area and loss of trees on the site.

Council's Response

109. The proposed access is from Chorley North Industrial Estate. Lancashire County Council has stated that it has no highways objections in principle provided measures can be taken to limit the use of the residential access by large vehicles and caravans.
110. This site is allocated for housing in the emerging Chorley Local Plan 2012-26. The adjacent open space is not allocated as open space in the Chorley Local Plan but it is an area of amenity greenspace that is protected in accordance with Policy HW2 (Protection of Existing Open Space, Sport and Recreational Facilities). The site was not assessed by the Open Space Study because it is below the 0.2 hectare threshold but is considered to provide amenity value.
111. Any application for development on the site would have to satisfy Local Plan Policy BNE1: Design Criteria for New Development which protects general amenity and covers noise and landscaping/tree issues. The proposed allocation for housing has already been considered sound.

Haworth Road (previously named Crosse Hall Lane), Chorley – Not Proposed

Representations

112. The main reasons for objection include the site is not big enough to accommodate five pitches, traffic problems, impact on house prices, site could be used for St James' Primary School to expand and it is not in-keeping with the Rivington View estate.

Council's Response

113. The Council has discounted this site as a Gypsy and Traveller site because the site is too small to accommodate the minimum 5 permanent pitches required. The Council acknowledges that the site's size would restrict the number of plots and the provision of any

amenity space. It is on a main access road and is highly visible. It would not satisfy Core Strategy Policy 8.

114. Highways issues have been considered by Lancashire County Council Highways, who have stated that the junction of Eaves Lane and Crosse Hall Lane could safely allow passage of caravans and that although the junction can get congested during school pick up and drop off periods, there would be no highway objections to the location of this site.
115. Lancashire County Council Education Department contributed to the process of additional school places in Chorley and did not raise any such issues in respect of the expansion of St James' Primary School.
116. Local Plan Policies are in place to protect the general amenity of an area.

Harrison's Farm, Adlington – Not Proposed

Representations

117. The main reasons for objection include access, loss of use of the site for recreation and wildlife, rainwater drainage, loss of productive farmland, impact on house prices and ownership issues.

Council's Response

118. Harrison's Farm is designated as an area of land safeguarded for future development needs and for allotments and a cemetery extension in the Chorley Local Plan 2012-26, therefore the principal of future development is established.
119. Lancashire County Council highways have stated that local safety improvements could be made to deliver this proposal. It is recognised that the canal bridge is a Grade II listed structure and an impact assessment has been undertaken. It is considered that this bridge would not be a suitable access.
120. Local Plan Policy BNE11 gives priority to the insitu conservation of protected species which can often be achieved through careful design, landscaping, timing and method of development.
121. United Utilities have provided further information on this site and state 'Foul and clean water pipes run through the site, therefore access to our infrastructure may be possible but will require further detailed discussions with United Utilities to agree. We would seek the disposal of surface water via the nearest watercourse (or should this be demonstrated as not feasible, through other sustainable means). The location of our existing assets within the site may restrict the layout of the development and/or make the site unviable as protection measures will need to be agreed for our infrastructure.'
122. It is recognised that not all of the land is in Council ownership. The site is 11.8ha in total. Part of the site is allocated for allotments and a cemetery extension. Of the remaining land the Council own 7.9ha, therefore the site could be delivered on Council owned land.
123. English Heritage submitted representations identifying the need for a heritage impact assessment to be undertaken for Harrison's Farm as it is located in close proximity to a listed building. They agreed that if this work was undertaken they would withdraw their objection. The Council have now prepared a heritage impact assessment for the site in co-operation with English Heritage and they have agreed that mitigation will secure an acceptable relationship between development on the proposed site and the designated heritage asset.
124. The Coal Authority submitted representations requesting some changes to be made to the document. They identified that this site has been subject to coal mining which has left a legacy of unstable land which will need to be assessed and appropriate remedial works undertaken prior to site occupation. The requested additional text has been added to the site assessment.

Hut Lane, Heath Charnock – Not Proposed

Representations

125. There was one objection to the site due to the long history of conflict between the residents of the site and the adjacent settled community, the site is in the Green Belt and it is unsustainable.

Council's Response

126. Although in the Green Belt the Hut Lane site has been included in the Council's assessment because it received temporary permission in July 2013 for 2 years and Planning Policy for Traveller sites states that the merits of using it permanently should be assessed against the new sites.
127. It is acknowledged the site is adjacent to a residential area where there have been continued objections to the use of the site to accommodate Travellers.
128. The Hut Lane site has a poor sustainability score - Band D.
129. The Coal Authority submitted representations requesting some changes to be made to the document. They identified that this site has been subject to coal mining which has left a legacy of unstable land which will need to be assessed and appropriate remedial works undertaken prior to site occupation. The requested additional text has been added to the site assessment.

FURTHER INFORMATION ABOUT COSTS

130. The detailed cost information has been updated and included as Appendix 5 of the Proposed Allocation document. A summary of the estimated cost of development and opportunity value of each site is set out below. All estimates are exclusive of Vat and no allowance has been made for payment of professional fees, planning application fees, associated costs for surveys and site investigations, developers profit, project management fees, contingencies etc.
131. As with any site allocated for development it is the developer that will be faced with the cost of development. In this regard, the Council as landowner is the likely developer.

Site	Estimated Cost of Development	Estimated Opportunity Value
1. Cowling Farm	£480,000*	£300,000
2. Yarrow Bridge	£590,000	£150,000 (commercial use) £6,000 (Green Belt land)
3. Cabbage Hall Fields	£520,000	£230,000 (low cost housing)
4. Westhoughton Road	£480,000	£96,000 (commercial use) £6,000 (Green Belt land)
5. Ackhurst Road	£480,000	£ Negative (reduction of rental income to the Council)
6. Northgate Drive	£480,000	£200,000 (low cost housing)
7. Haworth Road (previously named Crosse Hall Lane)	£380,000	£160,000 (residential)
8. Harrison's Farm	£600,000	£10,000 (Safeguarded Land)
9. Hut Lane	£300,000	£3,000 (Green Belt land)

*Does not include access road. This could increase costs by £10,000 to £500,000 depending on the location.

FURTHER CONSIDERATION AFTER CONSULTATION

132. Following consultation, further analysis of the merits of each site was undertaken. This analysis is included in section 8 of the Proposed Allocation document and summarised below.
133. The analysis and comparison looked at the information that was provided from residents and stakeholders, including statutory consultees, and reviewed the sustainability indicators for each site. It also assessed each site against Core Strategy Policies 1: Locating Growth and 8: Gypsy and Traveller and Travelling Showpeople Accommodation as well as specific criterion set out in Planning Policy for Traveller sites.

134. It concluded that Cowling Farm is the Council's proposed allocation and is a suitable, available, achievable and sustainable site which accords with national policy on Gypsy and Travellers and Core Strategy Policies 1 and 8.
135. Hut Lane, Yarrow Bridge and Westhoughton Road are all in the Green Belt and were discounted because there are no very special circumstances to warrant selection of a site in the Green Belt.
136. Harrison's Farm was discounted because it is located in Adlington which has fewer services and facilities than Chorley Town which is a Key Service Centre where growth and investment should be concentrated in accordance with Core Strategy Policy 1. It is also a less sustainable site than those located in Chorley Town and scores a band C in the Sustainability Appraisal whereas all of the sites in Chorley Town score a band B.
137. All of the sites in Chorley Town have the potential to satisfy the criteria set out in Planning Policy for Traveller sites. They are all also considered to be sustainable as they fall within band B. Other factors were taken into account when deciding which of the sites in Chorley Town should be allocated.
138. Land at Ackhurst Road is an existing car park serving adjacent employment uses and is leased from the Council on a long-term basis. Its allocation would require the legal issues to be addressed and would cause significant parking problems for the businesses that currently use the land for parking and would potentially result in parking issues in the local area. Therefore, it has not been selected as the proposed allocation.
139. Cabbage Hall Fields has the most challenging topography in terms of steep changes in levels which would mean that 5+ pitches could not be accommodated there. Therefore, it is not proposed for allocation.
140. Crosse Hall Lane is also likely to be too small, and being on the brow of a hill may be unacceptably visually intrusive. Therefore, it is not proposed for allocation.
141. Northgate Drive is a slightly larger site, but it is a linear site, that is narrow in places, which may restrict its suitability for Gypsy pitches and which may hinder the manoeuvrability of caravans and other vehicles. Therefore, it is not proposed for allocation.
142. The Cowling Farm site has an undulating topography, but is a far larger site that is flat in part and is not subject to the constraints that affect the other Chorley Town sites. The masterplanning process itself would ensure that residents are able to fully participate in the delivery of a Traveller site and the allocated housing and employment. Working with key stakeholders, including the local residences and businesses, the Travelling community and the police architectural liaison officer, an appropriate access, location, design and layout could be arrived at. This process would contribute to a 'cohesive' community.

DRAFT DUTY TO COOPERATE

143. The Draft Duty to Cooperate Statement and Gypsy and Travelling Showpeople Preferred Options Document was sent at the start of the consultation to all the local planning authorities, county councils and "prescribed" bodies that are relevant in the context of the Duty to Cooperate Supplement. Six specific responses have been received in respect of the Duty to Cooperate. Bolton Council confirms that the Council have satisfied the Duty to Cooperate with them and they support the proposed changes being made and withdraw their original objections. West Lancashire Borough Council considers the Council has engaged adequately and appropriately with them throughout the preparation of the Traveller Site Allocations DPD Preferred Options thus far. Blackburn with Darwen Borough Council confirm that the Council have satisfied the Duty to Cooperate with them and withdraw their original objections. Natural England are satisfied that the Council have fulfilled the strategic duty to cooperate with them in relation to this consultation. English Heritage do not consider there are any strategic matters as set out in S33a(4) (a) of the Planning and Compulsory purchase Act which affect the historic environment. The Environment Agency are satisfied their involvement has appropriately been recorded in relation to the Chorley Local Plan 2012-2026.

144. Natural England has noted that agricultural classification is included in the Sustainability Appraisal (SA) environmental objectives but that there is no differentiation between grades 3a and 3b which is the difference between good and moderate quality agricultural land. Natural England advise that in order to ensure that the most sustainable option is selected it would be advisable to provide some more detail on land quality and to evidence the Council's consideration of the issue as part of the SA. Natural England has no comment to make in relation to the Habitats Regulations Assessment.
145. United Utilities has undertaken a high level desk-top assessment of the sites in the Preferred Options document and has provided a general response with regards to the water and wastewater infrastructure that exists within these specific areas. For all sites, United Utilities would expect (unless it can be robustly demonstrated otherwise) sustainable, water-efficient, surface water management systems [SuDS] to be incorporated into the development design.

CHANGES TO THE PREFERRED OPTIONS DOCUMENT

146. Further information on viability has been gathered and included in the Proposed Allocation document. It includes the approximate cost for each site of providing five permanent pitches and associated works and the opportunity value of each site if sold for an alternative use. The Proposed Allocation document is set out in Appendix 1.

NEXT STEPS

147. The Council will submit its proposed site for allocation together with any related Local Plan proposed modifications to the Inspector for examination. A schedule of representations, together with the Council's response will be published. The Examination will reconvene on 23rd and 24th September. Consultation on the Inspector's Minded Modifications is expected October/November 2014 and the results of the consultation are expected to be submitted to the Inspector in December 2014. The Inspector's report is due January 2015 with adoption of the Local Plan in February 2015.

IMPLICATIONS OF REPORT

148. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	✓	Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

149. The provision of a site may involve expenditure of £300-560k, but the over-riding issue is that the site should be suitably located in planning terms. The costs of site provision may be supported by funding from the HCA. The costs of provision may be funded from either retained capital receipts or borrowing or a combination of both. Every £500k of borrowing would require circa £25k annually to service the debt. In addition to the actual costs, the report sets out the opportunity cost for each site based upon it's allocated use. The opportunity costs represent the potential sale value for the site based upon that use. The total cost to the Council would therefore be the expenditure to be incurred to create a site plus the loss of the potential receipt.
150. At present there is no budget provision. It is recognised that from a planning perspective, a funding commitment is helpful in assessing deliverability in planning terms, notwithstanding the Council's duties in relation to planning, housing and equalities legislation. The final allocated site is likely to require Council funding, even if a grant from the HCA is awarded.
151. I am satisfied given the Council's financial position that adequate budgetary provision could be made, subject to the endorsement of Executive Cabinet/Full Council, and a report can be prepared for the next Full Council 23 September if the Council endorses this report and its recommendations.

COMMENTS OF THE MONITORING OFFICER

152. The report demonstrates consideration of the material planning considerations in coming to a recommendation. It also demonstrates consideration of the Council's Equalities duties. The Council has duties under the Equality Act 2010 which prohibits direct and indirect discrimination because of a relevant 'protected characteristic' - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, belief, sex, and sexual orientation. Gypsies and Travellers are recognised as a racial group and therefore have a protected characteristic.
153. Assessment of representations about the health circumstances of potential occupants of any allocated site has properly formed part of this assessment.
154. This matter engages Article 1, Protocol 1 and Article 8 of the Human Rights Act 1998. A failure to allocate a site would give rise to an interference with the Gypsy and Travellers' rights under Article 1 of the first Protocol and Article 8 of the European Convention on Human Rights. Without certainty of alternative and suitable accommodation, the occupants could be required to vacate their homes and the site, which would interfere with their homes, their private and family lives. The allocation of a site would be justified as a proportionate interference and reasonable in the circumstances.
155. The Human Rights Act is engaged by this matter. The existence of the temporary site does not prevent members allocating a different preferred option site. The allocation of a different preferred option site is likely to impact upon the existing site at Hut Lane as the temporary grant was on the basis in part of no alternative provision. The Human Rights legislation does not prevent the allocation of a different site, consideration of the existing communities needs must be considered in order to make any final decision robust.
156. The previous report was not made available in advance to the press and public for two reasons. Firstly it contained personal information relating to the children of potential occupants of the site. Secondly the fact that a particular site could potentially be allocated might have had an effect on the value of neighbouring land. In the event that certain sites considered in the report were not approved by members for consultation there would be no public interest in this information be published. However consultation for all sites mentioned in the report was approved on 3 June which meant that the report could then be published.
157. The Council conducted a screening exercise of representations to exclude any statement which could be perceived as stereotypical of a particular community, and which if published on the Council's external website might put the Council in breach of its public sector equality duty to foster good community relations contained in Section 149 of the Equality Act 2010. The Council had regard to e-mailed guidance from the Equalities and Human Rights Commission when excluding those statements.

COUNCILLOR ALISTAIR BRADLEY - EXECUTIVE LEADER

Background Papers			
Document	Date	File	Place of Inspection
Chorley Local Plan 2012-2026 – Gypsy and Traveller and Travelling Showpeople Preferred Options	June 2014		Council website
Full Council Report – Chorley Local Plan 2012-26: Gypsy Traveller and Travelling Showpeople Preferred Options	3 June 2014		Council website
Schedule of Preferred Options Representations	26 August 2014		Members Room and will be made available on the Council's website, and at Council Offices, Union Street

Report Author	Ext	Date	Doc ID
Gary Hall – Chief Executive	5104	26 August 2014	***
Jennifer Moore – Head of Planning	5571		
Peter McAnespie & Planning Policy Team	5286		