

# **Appendix A to MIQ's -**

Minor Modifications  
(updated due to the MIQ  
questions and responses.  
(dated 16.10.2022)

## **NBBC Gypsy and Traveller Site Allocations DPD**

### **Recommended Minor Modifications (amended 16.10.22)**

Add to Policy GT3 for GTSA1, GTSA2 and GTSA3 and to Policy GT4 for GTSA4 the following bullet points:

- Where possible foul sewage for new pitches/plots should connect to existing Severn Trent Water foul mains drainage in consultation with Severn Trent Water.
- Where connection to mains drainage is not possible, the potential impact on the water environment will need to be considered.
- Note: - where alternative methods such as septic tanks or cesspits are required, consent will be required from the Environment Agency for an Environmental Permit (Regulations 2016). This is to enable the discharge of polluting substances (including sewage effluent) into surface waters or the ground. It is the Applicants responsibility to make the appropriate enquiries regarding any Environmental Permit requirements. (Environmental Permitting Guidance can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>)

Add to Add to Policy GT3 for GTSA3 the following bullet points:

- It is suggested that prior to any submission of a planning application, that the Applicant contacts National Highways to discuss the access and the information they will require to be submitted for any formal submission.
- An Air Quality Exposure Assessment and Noise Assessment may be required to determine any formal planning application to inform of any mitigation required.

### Further modifications following the issuing of the Matters, Issues and Questions:

AMEND paragraphs within the DPD 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 It is intended that Policy H3 of the adopted Borough Plan is superseded entirely by the DPD and that in the emerging Borough Plan that Policy H3 will purely refer to the DPD for Policies relating to Gypsy, Travellers and Showperson pitches and plots.
- 3.9 In the 2021 GTAA it is recommended that the “...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.” This is an important element of confirming that the need in this DPD remains as required. It is therefore the Council’s intention that the number of new pitches will be assessed each year at the Authority 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. 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.

- 4.5 Sites should also avoid locations that would impact upon land that has been designated for its interest, so, sites of 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 GT2 – Strategy.
- 4.6 The fundamental purpose of the Gypsy and Traveller Site Allocations DPD is to allocate land to provide for the number of pitches identified for the required need by 2036/37. 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 the 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 the criteria carried over from Policy H3 once sites existing sites and adjoining land have been exhausted and then only if insufficient pitches have come forwards.
- 4.7 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 differences is 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 the criteria in 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.
- 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 the case, then land use priority two will be used and then land use priority three. Priority 3 is only utilised if there is insufficient

provision to meet the identified need for new pitches. As the Policies in H3 have been added to GT2, the intention is to supersede entirely Policy H3 in the current adopted Plan (2011 – 2031). Within the emerging Borough Plan (2024 – 2039) Policy H3 will simply signpost to the adopted DPD for guidance on any new pitches or plots.

- 4.12 The proposed new allocation of The Old Nursery does not meet the two initial bullet points of Strategic Policy GT2 – Strategy but the Policy allows for sites in other locations that accord with priority 3 of the GT2 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 priority 3 of GT2 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.
- 4.20 The matter of flooding is not addressed because at this time it is not considered to be relevant as all the sites are in flood zone 1 and there is no indication that they suffer inundation. However, climate change means this could change and should this then be the case extant Policy NE4 of the Borough Plan – Managing flood risk and water quality would be used.

REMOVE paragraph 4.8 entirely.

#### AMEND Strategic Policy GT2 – Strategy

Planning permission will be granted for new gypsy and traveller pitches subject to compliance with other policies of the development plan and in the following priority land uses:

- 1) within the permitted area of existing lawful, authorised gypsy and traveller sites;
- 2) then land adjoining the permitted area of existing lawful, authorised gypsy and traveller sites;

If there is insufficient provision using the above priorities to meet the minimum needs identified, then priority 3 will be considered for any further sites required:

- 3) If the above are exhausted then any further sites must comply with all of the following:
  - a) The site must be closely linked, either spatially or functionally, to an existing settlement with an adequate range of services and facilities and should have good access to essential services including health and education facilities and access to local shops or considered sustainable for other reasons.
  - b) The number of pitches or plots is relative to the size and scale of the site.
  - c) The number of pitches or plots is relative to the size and density of the surrounding 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 affect the health and well-being of site residents, and neighbouring uses will not be affected by air or noise pollution as a result of the Gypsy and Traveller development.
- i) The site has suitable connection to the foul sewage system, or can demonstrate that connection is unviable and alternative arrangements can be made, in consultation with Severn Trent.

ADD to the criteria for GTSA2 – The Old Nursery:

- As part of previous consents on the site, contamination conditions were previously requested. Therefore, any new planning application will require consultancy with the Council’s Environmental Health Team and information may be required to ensure that contamination has been addressed on the areas of the site proposed for the new pitches.

AMEND table 3 of chapter 5 under ‘Policy GT3 Site Allocations’ to read:

<b>Policy</b>	<b>Indicator</b>	<b>Target</b>
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 policy.	100%
Policy GT3 – Site Allocations	Monitor the supply and delivery of allocated sites and report annually through the Authority Monitoring Report (AMR). 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.	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.
Policy GT4 – Site Safeguarding	Monitor the use of the safeguarded site.	The identified site at Spinney Lane/Whittleford Road, Nuneaton to remain used for travelling showpeople unless it was proven to be no longer required.

AMEND Appendix 1

Relationship between the policies in this DPD and the extant Borough Plan.

<b>Superseded Borough Plan policies</b>	<b>Superseding Gypsy and Traveller Site Allocations DPD policies</b>
Policy DS4 – Overall development needs (third bullet point only).	Strategic Policy GT1 – Overall Need.
Policy H3 – Gypsies and Travellers (figures contained in first sentence).	Strategic Policy GT1 – Overall Need
Policy H3 – Gypsies and Travellers (criteria for identifying sites)	Strategic Policy GT2 – Strategy